THE WILMINGTON JOURNAL.

ENGELHARD & PRICE, Proprietors,

*To whom all Letters on Business must be addressed*

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Weekly Paper, one year, in advance,.....$3 00
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# Wilmington Journal.

VOL. 23. WILMINGTON, N. C., FRIDAY MORNING, AUGUST 9, 1867. NO. 26.

**RATES OF ADVERTISING.**

1 square, of 10 lines or less, for each and every insertion, $1.

Special Notices will be charged $2 00 per square for each and every insertion.

All Obituaries and private publications of every character, are charged as advertisements.

☞ No advertisement, reflecting upon private character, can, under ANY CIRCUMSTANCES, be admitted.

**SPECIAL NOTICE.**

**ERRORS OF YOUTH.**

A GENTLEMAN who suffered for years from Nervous Debility, Premature Decay and all the effects of youthful indiscretion, will, for the sake of suffering humanity, send free to all who need it, the receipt and directions for making the simple remedy by which he was cured. Sufferers wishing to profit by the advertiser's experience can do so by addressing, in perfect confidence,

JOHN B. OGDEN,
No. 42 Cedar st., New York.

april 19 10-1y

**STATE OF NORTH CAROLINA,**

SAMPSON COUNTY,

*Court of Pleas and Quarter Sessions, May Term, 1867.*

THE WILL OF ELIAS FAISON having been propounded for probate in solemn form, in our said Court, and it further appearing to the satisfaction of the Court that Daniel W. Cromartie and wife Narcissa E., reside beyond the limits of the State: It is ordered that publication be made in the "Weekly Journal," a paper published in the city of Wilmington, for the space of six weeks, notifying the parties above named to appear and object to the probate, or judgment *pro confesso* will be taken as to them, and the Will admitted to probate.

Done at office in Clinton, this 25th day of June, 1867.

W. A. MATHIAS, C. C. C.

july 5 (prv adv $15) 21-6w

**STATE OF NORTH CAROLINA,**

BRUNSWICK COUNTY.

*Court of Pleas and Quarter Sessions, June Term, A. D., 1867.*

Mary Stanly
vs.
Heirs at Law of Samuel H. Stanly dec'd. } Petition for Dower.

IT APPEARING to the satisfaction of the Court that Milton Stanly and Sarah Stanly alias Sarah Hickman, defendants in this case, are non-residents of this State; on motion, it is ordered by the Court, that advertisement be made in the Wilmington Journal, a newspaper published in the city of Wilmington in this State, for six weeks consecutively, notifying them to be and appear before the Justice of said Court, at its next (September) term, to show cause, if any they can, why the prayer of this petition should not be granted.

A true copy from the Minutes.

W. M. D. MOORE, Clerk.

August 2 25-6w

**STATE OF NORTH CAROLINA,**

SAMPSON COUNTY.

*In Equity, Spring Term, 1867.*

Amos S. C. Powell,
vs.
Moody B. Smith, } Injunction.

IT APPEARING to the satisfaction of the Court that the defendant, Moody B. Smith, resides beyond the limits of the State, it is thereupon ordered that publication be made, for six weeks, in the Wilmington Journal, a paper published in the city of Wilmington, notifying the defendant to appear at the next term of our Court of Equity, to be holden at the Court House in Clinton, on the 4th Monday after the 4th Monday of September next, then and thereto plead, answer or demur, or judgm nt *pro confesso* will be taken as to him and the injunction made perpetual.

Witness THOMAS BUNTING, Clerk and Master in Equity. Done at office in Clinton, this 20th day of July, 1867.

THOS. BUNTING, C. & M. E.

aug 3 25-6w*

LIFE. THE GREAT QUESTION, DEATH.

"Can I better provide for my Family, than by spending a small portion of my income for a Policy on my Life?"

38,000 Persons have Insured in the ÆTNA LIFE INSURANCE CO.

OF HARTFORD, CONN.,

And others are Daily Applying.

THE principle of LIFE INSURANCE has become so well demonstrated, that it is hardly necessary at this day to go into an argument in its support. Every individual who has a family or dear ones dependent upon his existence, is in fact, overlooking, if not violating, one of the most important duties of life, in not guarding them against want, and protecting them from poverty, should death deprive them of his support and assistance. On an INSURANCE POLICY, procured at a small premium, a requisite sum is secured in case of death, to provide them with subsistence through life. Securing such a policy not only makes life pass more pleasantly, but will bring to the deathbed the happy consolation that your wife and children will not be left destitute, or to THE COLD, CHEERLESS SYMPATHY OF AN UNCHARITABLE WORLD. To those whose good impulses are moved to this accomplishment for their family's future protection,

THE ÆTNA LIFE INSURANCE CO.

is most cordially recommended for the carrying out of these desires. The Company has been in existence for FORTY EIGHT years, and now, with a

Capital of over $6,000,000 00

stands as one of the solid monetary institutions of the nation and offers positively the best inducements for LIFE INSURANCE in the world.

Over five hundred risks have been taken in the last twelve months upon the most influential citizens of North Carolina. Out of this number four have died, making $23,000 in cash paid over promptly to survivors; and but for this forethought and ACTION not one dollar would have been left of their estates for the benefit of their bereaved loved ones. After the 2nd year

50 per cent. Dividends is paid to Policy holders every year during Life,

and at death the Policy is paid to survivors.

Risks on ages from 14 to 65 years are taken for a term of years or the WHOLE TERM OF LIFE on amounts from $1,000 to $10,000, and the rates are regulated according to age. THIS PROVISION CANNOT BE TAKEN FOR DEBT, BUT GOES TO THE FAMILY OR OTHER DEPENDENTS FOR THEIR SPECIAL USE AND SUPPORT. Nothing can possibly be gained by delay in this duty and much may be lost. Of two courses, one of which may leave your family or dependent friends destitute, and the other ASSURES them a comfortable support at your decease; can there be a doubt which is to be chosen? Every one knows that if the pressure of the times bears hard upon a man in the fulness of his strength, it will be far more severe upon a woman and children left at such a conjuncture as this without resources or protector, and it is easier for a man to pay his premium than for his family to live without his aid and without means.

For further information call on the Agent who now extends the invitation to every one, rich and poor, to avail himself of the advanatages offered by one of the LARGEST, SAFEST, BEST, CHEAPEST AND MOST POPULAR AND RELIABLE COMPANIES IN THE WORLD.

JOHN E. SPEARMAN, Agent,
Market Street, between 2d and 3d.,
Wilmington, N. C.

jan. 27 103—2taw—wtf

**Colored Congressmen.**

It is altogether a mistake to suppose that we indulge in a bad joke when we advise the negroes in the present condition of things to prefer their own color as Senators and Representatives in Congress to imported scalawags or pale-faced renegades. We prefer them a hundred to one, and we do not see why the negroes should do it. We prefer them because, in the first place, we can trust a Southern black man when we cannot trust a white traitor or a Yankee speculator in negro votes. If "reconstruction"—so-called—is to be carried out on the plan of the last supplement, the choice is between the two classes we have named, and it is no "Hobson choice," either.—Give us the Southern negro, every time, before either domestic or an imported Radical.

**Northern Prejudices against the Blacks.**

A bill passed Congress at its late session to make colored men eligible to office and as juror in Washington. The President pocketed the bill and hence it failed to become a law. We have not observed that a single Radical organ has launched its thunders at the President's head for this omission.

Baltimore *Sun*.

**THE BIRTH-DAY CROWN.**

If aught of simple song have power to touch
Your silent being, O ye country flowers,
Twisted by tender hands
Into a royal brede.

O, hawthorn, tear thou not the soft white brow
Of the small queen upon her rustic throne,
But breathe thy finest scent
Of almond round about.

And thou, laburnum, and what other hue
Tinct gives deeper variety of gold,
Inwoven lilly and vetch
Bedropped with summer's blood.

I charge you, wither not this long June day!
O, wither not until the sunset come,
Until the sunset's shafts
Slope through the chestnut tree.

Until she sit, high-gloried round about,
With the great light above her mimic court—
Her threads of sunny hair
Girt sunnily by you.

What other crown that queen may wear one day,
What drops may touch her forehead, not of balm;
What thorne, what cruel thorns,
I will not guess to-day.

Only, before she is discrowned of you,
Ye dying flowers, and thou, O dying light,
My prayer shall rise—"O, Christ!
Give her the unfading crown.

"The crown of blossoms worn by happy bride,
The thorny crown o'er pale and dying lips,
I dare not choose for her—
Give her the unfading crown!"

*Good Words.*

## STATE NEWS.

PERSONAL.—Rev. Mr. Moran, of your Conference, preached two sermons last Sunday, one for Dr. Deems in the morning and one for Mr. DePuy at night, discourses that give him great reputation as a very able and eloquent preacher. He has been requested, I learn, to remain and preach again next Sunday.

The Rev. Mr. Chaffin, of North Carolina, was in the city last Sunday, and took part in the services in the "Church of the Strangers."

Dr. Deems lectured in South Orange last week. At the close the audience unanimously passed a vote requesting a repetition of the lecture during the next fortnight. South Orange is a summer retreat for many New Yorkers, and although the lecture season is over, they seem to feel the need of some entertainment of the sort, during the warm season.

*N. Y. Cor. Episcopal Methodist.*

REV. R. S. MORAN.—It will be seen from the letter of our New York correspondent that this Brother is now on a visit North, and that his sermons preached in that city, are spoken of as being very superior and powerful.

Having completed the third round on his District, he has some two months spare time, which we presume he will spend among his relatives and friends with much pleasure and profit to himself and others. During his stay there, letters will reach him at Johnsonville, Ohio.

Recently, we had a call for his able article on Church Reconstruction, which we re-published in a late number of our paper, and intended to have called, editorially, attention to it, but being absent when it came out, it was in this way omitted. We judge, however, from what we heard, that it was generally read with great satisfaction by our people.—*Episcopal Methodist.*

TEMPERANCE.—We are highly pleased to learn that the organization in this city, called the "Friends of Temperance," is in full tide of success, and that it is regularly receiving large accessions to its members. We trust it will go on and prosper until the ruinous crime of intemperance is banished from the land.—Raleigh *Sentinel.*

HENDERSON AARICULTRAL SOCIETY.—The Henderson Index says that the resolution at the late meeting of the Society which prohibited in future the introduction of anything on the Fair Grounds, except what pertained to Agriculture, was not understood by us. It was only intended to exclude political speaking and political meetings. That is all very well, but the resolution was not calculated to convey such an impression to the public, as our friend will see by re-reading it.

EXTRAORDINARY YIELD OF WHEAT.—One of the largest yield of wheat that we have heard of this season, was produced upon the premises of T. W. Smith, Esq., of Williamsboro', in this county. It was planted in two lots, and the average yield of each lot was 24 to 1. The land was highly improved, which goes to prove the great fallacy of the idea entertained by many that it is profitable to cultivate poor, worn out land. We hope the example of Mr. Smith, in fertilizing his lands, may be followed by all of our farmers. Until this be done, nothing but small and indifferent crops may be expected.—Henderson *Index.*

A PRIZE.—Some of the merchants of Beaufort have gotton up a silver cup, plated with gold, which they will present to the planter who is fortunate enough to raise and bring to that market the first bale of cotton, the growth of this season. We learn that several of the Carteret cotton planters are competing for the prize.

PLEASURES OF THE SEA COAST.—At the boat race at Beaufort on Saturday, the "Beauregard" won. The ball at Granger's Saturday night was a splendid success.

THE LEGISLATURE.—As yet, there is no information here as to the purpose of Gen. Sickles, in regard to the meeting of the Legislature. As he has not, before this announced his purpose to prevent its meeting, it is fair to presume that he will present no impediment, and that therefore, the Legislature of North Carolina will convene in this city, on Monday the 19th, of the present month, according to adjournment.

Some of the members from the transmontane countios must leave home in a few days, in order to reach here in time. Upon the presumption that the question of a Penitentiary will be the chief matter of inquiry, if the Legislature should assemble, it will be seen that Gov. Worth has dispatched Prof. Kerr to Deep river, to investigate the claims of that region to its location.—Raleigh *Sentinel.*

LARGE SALE OF LANDS.—R. W. Best, Esq., Secretary of State, left for New York, on Monday last, to close, as Agent, a bargain for the sale of 50,000 acres of State lands, and from 70 to 90,000 acres of lands owned by Col. Bryson, and others, perhaps, of Jackson, lying in the counties of Jackson, Macon and Cherokee, to the American Agricultural and Mineral Company.—This Company was chartered by the last Legislature, and its headquarters are in New York. Several Northern gentlemen, as well as citizens of the State, comprise the Company. We learn that it is the purpose of the Company to put upon these lands, in a short time, 20,000 sheep, for wool growing. Besides this, several thousand laborers will be employed in mining, &c. We hope this is but the beginning of a large ingress of industrious, enterprising people into the State.—Raleigh *Sentinel.*

NEW CHARTERS.—Governor Worth has recently granted, according to act of Assembly, a charter to the Cabarrus Mining Company, for the purpose of the mining and manufacturing oar. The capital stock of the Company is not to exceed $600,000. The Company has already, we believe, purchased mining lands in Cabarrus county and will go to work at once. The corporators are: Thaddeus Stevens, ("old Thad!") E. B. French, John F. Farnsworth, Harmon C. Judd and C. F. Peck, Esquires.

Also, recently, a charter to the Blakesley Mining Company of Mecklenburg, with a capital stock not to exceed $300,000, composed mostly of Northern gentlemen.

We are glad to see these movemeats.—They indicate, at least, some confidence in the future, and are evidence that the resources of North Carolina are beginning to be appreciated.—Raleigh *Sentinel.*

PENITENTIARY'—Prof. Kerr, State Geologist, has lately returned from his explorations in the Mountain counties, and, at the request of Gov. Worth, left this city, on yesterday, for Deep River, for the purpose of examining fully into the resources and capabilities of that region for the location of a State Penitentiary. He is to report in time for the Legislature. It is believed that no section of the State offers as strong inducements for building a Penitentiary cheaply, and for sustaining it at so small expense as that region.—Raleigh *Sentinel.*

THEO. H. HILL, ESQ.—We are much gatified to learn that the Poem, read by this gentleman at the recent Commencement of Pittsborough Scientific Academy, produced a fine impression upon the large and intelligent audience. It was received with such marked evidences of appreciation in the morning, when delivered, that Mr. Hill was urged to repeat it at night, which he did to the gratification of all present. We hope to see this fine Poem soon in print.

Raleigh *Standard.*

THE CROPS.—We learn from several of our neighboring farmers that the rains which fell in the early part of this week, have had a very beneficial effect upon the crops. The prospects are now much more cheering than they were several weeks ago.

Newbern *Republican.*

CROPS IN LENOIR.—Lenoir county, July 31st, 1867. Mr. Editor:—I have seen two notices in the papers about J. H. Dibble's, Esq., cotton crop in Lenoir county, being the best in the county.

Mr. John R. Moore a young farmer raised in Lenoir county, has a crop of cotton on the north side of Mr. Dibble's plantation equally as good, if not a little better than Mr. Dibble's.

I would further state that Mr. Samuel B. Clayton, formerly of Orange county, in this State, has a large crop of cotton at Core creek, in Craven county, on a plantation belonging to Mr. Dibble, that will compare favorably with either Mr. Dibble's or Moore's crop.

FARMER.

Goldsboro' *Star.*

DECLINES.—We learn that Dr. B. J. Harrison, one of the Registrars for this county, appointed by Gen. Sickles, declines serving.—Raleigh *Sentinel.*

*STATEMENT of the principal articles of Produce exported from the Port of Wilmington, N. C., for the Month ending 31st July, 1867, and compared with the months of June, 1867, and July, 1866, compiled from the reports of the Daily Journal:*

| | ARTICLES. | | |

THE WILMINGTON JOURNAL

WILMINGTON, N. C.,

FRIDAY, AUGUST 9, 1867.

### Our Military Government.

We are often fearful that those who alone have power to administer our State Government and have in charge the welfare and peace of the country, do not sufficiently appreciate their responsible and trying position. Unused to civil jurisdiction, and unfamiliar with the workings of civil governments, the soldier is not likely to succeed at first to give satisfaction in the administration of civil law. His education and habits are very different from those of the civilian, and his experience gives him rather an aversion to the forms of civil government than an admiration for them. Impetuous, quick and decisive, he disdains the law's delays, and with him the Army Regulations comprise more wisdom and justice than is found in the Common Law of England.

A military government, on the other hand, cannot be expected to be very popular with a people whose love of freedom has always been a boast, and whose forefathers sought refuge among the wilds of America from the persecutions of their own government, and purchased by the sword the right to govern themselves, which they handed down as a priceless heritage to their posterity. The fact that the soldier has a disdain for the civil form of government, and the citizen hates the military government with equal fervor, has no influence upon the relations of the one to the other now. The soldier rules with no less relentless rigor, and the citizen bears his trials with no greater fortitude from sympathy with the merits or faults of each other.

So far as our civil government is concerned, it is a ridiculous sham, permitted to have an apparent existence, and designed to tickle the fancies of such old fogies who, in their antiquated simplicity, may desire and imagine that the United States is still a Republic. Its continuance is in apperance only. The civil officers are without power, and the tenure of their office depends upon the will of one man. Their orders, executive and judicial, are without authority and almost without respect. The most ancient and sacred laws are the convenient shuttlecocks for inexperienced players, and *vox populi* has been degraded into the miserable croakings of disfranchised traitors.

As deplorable as this state of affairs may be, there are conditions within the limits of our own Government much worse. Dismembered and refused representation, with no connecting link between us and the mother government except the bayonet; with no bond of union except those given by the tax-gatherer, or which bear the stamp of the Internal Revenue officers, and no *loyal* road to reconstruction save over the grave of our honor—disloyal, rebellious districts—our present situation is incomparably better than is the condition of the loyal State of TENNESSEE. With the shadow of a civil government at Raleigh, and the reality of a military one at Charleston, it is infinitely to be preferred to the hybrid *Republican tyranny* which has its throne at Nashville. If we are to be governed by soldiers, we prefer those under the command of General SICKLES, than "State Guards," acting under the orders of a North Carolina Brownlow. If we are to have an election, we would choose the honorable soldier to the doubtful politician to enforce the franchise law. If to preserve the peace it is necessary to keep a standing army in our midst, we desire the General, and not the State Government to foot the bill. If our rights are to be ignored, our liberties jeoparded and our honorable pride humbled, let it be done by the representatives of power, and not by the miserable creatures of our own servileness and cowardice.

### New Berne Politics.

The New Berne correspondent of the Raleigh *Sentinel* says in regard to political squabbles and aspirants :

"It is well understood here that Col. David Heaton will be put forward, at the proper time, as a Republican candidate for Congress. Recently, however, a new aspirant for Radical honors has appeared in the person of one Ellsworth, a native of Maine, called by courtesy "Reverend," and at present officiating in the pulpit of the Congregational chapel in this place. Ellsworth has been haranguing the blacks about "their rights," "equality," and such slang, and succeeded in building up a radical wing to the Radical party; whereupon his claims give great uneasiness to the Conservative or Meninger wing, who go for Heaton. In Ellsworth's train comes Lawyer Carpenter, who envieth George Nason's berth in the Post-office. A third conspirator aspires to the perquisites and emoluments of the Custom House.

"These little differences threaten to cause a split in the party, and we shall watch the progress of the matter with interest, taking some consolation from the old adage that when thieves fall out, honest men obtain their own."

Now, this may be all very well for the claims of our little neighbor, but it must be recollected that Wilmington at present is in the same district with New Berne, and unless the Convention fixes the congressional districts to suit aspirants, possibly we have our ELLSWORTHS and HEATONS.—We have no respectable person hereabouts who elbows Congressmen to remove the disabilities of Governor HOLDEN as does the latter gentleman, but we have the equal of either in qualifications, mental and loyal, and we cannot tell why the little junta of New Berne should get into a muss before it is ascertained that the selection lies within their organization. To be sure the last Congressman, Hon. C. C. CLARK, elected from this district, is a resident of that city, but it does not follow that his successor must also reside there. In fact, that having been an illegal election, conducted by rebels, any example then set is possibly "more honored in the breach than the observance." Anyhow, let our New Berne friends wait awhile, and the delay may save trouble and discord.

### The Tennessee Election.

A few, a very few, of the more proscriptive Radical organs at the North, rejoice over the success of BROWNLOW'S victory in TENNESSEE. The more influential and respectable of them see nothing in the result beneficial to TENNESSEE, encouraging to the cause of reconstruction or creditable to the Republican party, of which they regard BROWNLOW and his abettors disreputable members.

There is nothing in the success of the Radicals in that State but the unscrupulous use of power and the skillful manipulation of the registry lists, and the unexpected good order which prevailed is an evidence merely that General THOMAS and his United States soldiers were more potent for good than the militia of Governor BROWNLOW were for evil. With four-fifths of the whites disfranchised by the State Constitution, and any desired proportion of the remainder disfranchised by the orders of Governor BROWNLOW, the vote in TENNESSEE signifies nothing but that the work of Radicalism has been well done, and the admirers of Republican liberty may not relish the fact that law and order was maintained at the point of the bayonet. The whole picture illustrates a State reconstructed under the liberal and protecting influences of the Congressional plan, and is, we fear, the unpleasant foreshadowing of the Radicalized South.

The New York *Times*, commenting on the deplorable condition of affairs in that State, closes with the following truthful and suggestive observations :

"The condition of Tennessee is, then, to-day, as it was a week ago—volcanic; so evidently explosive that it must continue a source of most painful anxiety. * * * The sole hope of peace and prosperity for the State—lies in the adoption of more moderate counsel than can be anticipated while Brownlow fills the Executive chair. It is the remoteness of this prospect that renders the aspect of Tennessee deplorable, and that suggests the danger of an extreme proscriptive policy in reorganizing other portions of the South."

### The Horrors of Andersonville.

The Northern people, inflamed by years of war and bloodshed, and their hatred raised to a white heat on account of the assassination of President LINCOLN, demanded at the close of actual hostilities, victims to appease their wrath. The life of Mrs. Surratt was sacrificed to allay the excitement caused by the murder of the President, and poor Wirz was executed to appease the ghost of Andersonville. We knew then that not many years would elapse before these very people would be as anxious to make individuals responsible for the hasty execution of their own excited and intemperate demands.

Already, in the Congress of the United States, one honorable member, himself a leading GENERAL of the Federal army, has charged another honorable member, who represented the Government at the conspiracy trial, with the murder of Mrs. Surratt, and the ghost of Andersonville "has burst its cerements" and points to one high in authority as "the serpent that did sting its life."

The letter of Colonel OULD, which we recently published, is beginning to have its effects, and we soon will learn who is responsible for the continued confinement of Northern soldiers in Southern prisons in the face of the fact that the resources of the South were not sufficient to provide for its own troops. We make the following extract from a letter of Mr. Browne, a correspondent of the New York *Tribune*, who was captured and held by the Confederate authorities in close confinement over a year and a half. He says :

"Mr. Richardson and myself spent nearly a week in the National capital after our escape, endeavoring to do all that was possible for the release of the brave men in the hands of the enemy; and every one we met told the same story, *that the Secretary of War was the obstacle in the way of the resumption of the exchange.*

*Moreover, Gen. Butler, in his speech at Lowell, Massachusetts, stated positively that he had been ordered by Mr. Stanton to put forward the negro question to compromise and prevent the exchange.* Col. A. B. Streight of Indianapolis, Indiana, a fellow prisoner with us in the Libby, told Mr. Richardson, after our return to freedom, that, in an interview between the Secretary and himself, the former *declared to him the Government could not afford to exchange able men for skeletons.* Other officers and civilians whose names I cannot now remember, assured me that he had used to them the same language in effect; and there is no doubt whatever that that was his policy and his determination until the clamors of the people compelled him to retire from his barbarous position.

Every one is aware that, when the exchange did take place, not the slightest alteration had occurred in the question, *and that our prisoners might as well have been released twelve or eighteen* months before as at the resumption of the *cartel, which would save to the Republic at least twelve or fifteen thousand* heroic lives. That they were not saved is due *alone to Mr. Edwin M. Stanton's peculiar policy and dogged obstinacy*; AND, AS I HAVE REMARKED BEFORE, HE IS UNQUESTIONABLY THE DIGGER OF THE UNNAMED GRAVES THAT CROWD THE VICINITY OF EVERY SOUTHERN PRISON WITH HISTORIC AND NEVER-TO-BE-FORGOTTEN HORRORS."

### The Criminal Court.

It will be seen, by reference to our local columns, that in consequence of an order from Colonel FRANK, in compliance with instructions from District Headquarters in Charleston, Judge MEARES has continued all the cases on the docket of the Criminal Court requiring a jury, being thus officially informed that their verdicts would be set aside. The order is based upon the ground that the jury is not in conformity with the requirements of General Order No. 32, which directs the proper civil officers to place the names of all citizens paying taxes the present year upon the jury lists.

On Monday an insignificant trial of two negroes for an affray took place, and the facts being simple and plain, the jury found the parties guilty, and His Honor, Judge MEARES, imposed a fine of five dollars upon each. A Mr. Rhoades, recently of the Philadelphia bar, but now a practitioner here, who defended the negroes, gravely appealed from the decision of the Court to General SICKLES. Of course the Judge could not recognize the appeal. Upon application, the Post Commander telegraphed to General SICKLES, and the suspension of all further jury trials until such time as the jury lists may be revised in conformity with the order upon the subject, was the result.

Some ten days since, upon an intimation from the military that the term of the Court would not be permitted unless there was a revision of the jury lists, Judge MEARES addressed a letter to General SICKLES, informing him of the difficulties of the case—that the lists had not been revised—that there had been no session of the County Court, or meeting of the Magistrates, the proper civil officers, whose duty it was by the laws of the State to revise these lists, and desiring to know if the verdicts would be set aside, as it would be useless in this event to hold the term of the Court. This letter was forwarded through the Post Commander, to which there was no reply. The Judge, therefore, began the session of the Court as usual, with the result above stated. In consequence of the positive information from the military that all verdicts would be set aside, His Honor wisely deemed it unnecessary to continue the jury trials, and so ordered their continuance until the next term.

And here the matter rests at present. At the October term of the Court, we suppose, the jury lists will have been revised and the names of all tax-payers, without regard to color or property qualification, will have been placed upon them, and this dangerous and radical change of qualification of jurors, co-existent with the Common Law, will be made without producing a ripple upon the surface of the great revolution through which we are passing. In the future the events of to-day, which hardly claim a passing notice, may form the fruitful subject for the study of statesmen and a potent warning for the consideration of Governments. A fledgeling at the bar in the Republic of the United States, defeated before a jury of his countrymen, and appealing from the decision of a Judge to the bayonets of a General, may excite merriment to-day, but it will constitute a lesson for the future which may benefit millions yet unborn.

### Parties Founded on Races.

The more respectable orators from the North, who have made political pilgrimages through the South for the purpose of uniting the Southern blacks in the interests of the Radical party, have invariably disclaimed a desire of dividing the races in this section into separate parties—have, indeed, warned the colored people of the danger resulting in such a course. Even negro orators themselves have uttered the same warning, and the Southern blacks have, from all sources, been advised of the evil effects of party affiliations which divide them as a class from the whites, among whom they live and from whom they receive the labor necessary for their support. A war of races, which would surely follow in the wake of the formation of parties founded upon this issue, while it would be disastrous in the last degree to the country, must inevitably be totally destructive to the blacks; and we would hail with pleasure the increasing and seemingly honest endeavors of Republican orators and papers to prevent the formation of political parties upon a basis so impolitic and dangerous, were not their acts in direct conflict with their professions.

In Tennessee, where the Radicals control the State, we see the elections carried in favor of that party by the almost universal disfranchisement of the white, and by the unanimous suffrage of the black race. Here and in other Southern States, men and papers who reprobate the formation of parties founded on races, are busily engaged by specious appeals and by oath-bound secret associations in arraying the black natives in political antagonism to the white natives. Before the advent of these political missionaries and previous to the foundation of these political associations, the colored population in the South were peaceful, orderly and generally industrious; but no one is so blind as not to perceive lately a great depreciation in their behavior. For this they are hardly blamable. Their blood has been stirred up by recalling all the imagined horrors of slavery and the oppressions of their former masters, and reminded that by unity of action they can render themselves independent of the whites and control affairs over the heads of "rebels."

With such advice it is not to be wondered that occasional riots occur, or that even in our usually quiet and orderly City of Wilmington our officials are insulted and their orders without authority. To be sure, these men who lead astray the blacks always interlard their speeches with wholesome advice, warn their hearers of the dangers of a collision of races, and beseech them not to commit acts of violence and disorder.

A proctor of Trinity College, Dublin, had once made himself very offensive to the students by his arrogance and severity. One dark night they caught him in one of the College yards, and, taking him under a pump that stood in the yard, turned him up and pumped his boots and clothing full of water. This done, they were about to let their half-drowned enemy go, when a wag—the story is told of Curran, we believe—cried out, "Boys, that pump is a wooden one, but don't nail his ears to it." "Hurrah!" was the reply; "we never thought of that before!" And the ears of the unfortunate proctor were forthwith nailed to the pump.

### The Jury Lists.

There seems to be unnecessary rumors of the removal of certain officials growing out of the non-conformity of the jury lists of this county with the terms of General SICKLES' order. That the wish is often father to the thought is the only solution of the opinion that certain county officials have rendered themselves liable to removal by the military authority. If it is desired to create vacancies for the purpose of filling them with individuals more acceptable, this can be done without these officials incurring any liability. But we have military officers who will not lend themselves to such proceedings, and we look for no removals here unless civil officials are forced, by a high sense of duty and responsibility, not to comply with the orders of Gen. SICKLES. In this case, when their civil obligations interfere with their obedience to the military orders, a resignation, we are confident, will prevent the necessity of a resort to harsher measures. Our people will be found to be law-abiding, and no resort to force will be necessary to compel their compliance with the law of the land.

In the case under consideration, no blame can possibly be attached to any one for a neglect to revise the jury lists in time for the present term of the Criminal Court. General SICKLES' order says :

"All citizens assessed for taxes and who shall have paid taxes for the current year are qualified to serve as jurors. It shall be the duty of the proper civil officers charged with providing lists of jurors, to proceed within their several jurisdictions, without delay, and ascertain the names of all qualified persons and place them on the jury lists, and from such revised lists all jurors shall be hereafter summoned and drawn in the manner required by law."

The "proper civil officers charged with providing lists of jurors" in North Carolina are the Magistrates constituting the Courts of Pleas and Quarter Sessions, *during a term of the Court.* The Judge and Sheriff, therefore, can in no possible way be held responsible for the failure to comply, having no jurisdiction in the premises whatever, either in term time or at chambers.

General SICKLES' order was promulgated on the 30th of May, and published here on the 4th of June, following. The County Court began its session on Monday, 10th of June. The Clerk of the County Court did not hand to the Sheriff the tax lists until the 1st of July, which was according to law. The Court could not, therefore, on the 10th of June, have conformed to the order, for it was impossible for it to know what citizens were "assessed for taxes." The lists not being complete, many names would have been omitted, which would have rendered an over-zealous desire to conform to the order a palpable violation thereof.

The order, in pointing out persons qualified as jurors, does not say that they must merely have been "assessed for taxes," but adds, "*and* who shall have paid taxes for the current year are qualified to serve as jurors." Now, as scarcely any taxes have been paid for the current year, we cannot tell how the proper civil officers could even now comply with it. The order clearly embraces only such as have actually paid their taxes, for General SICKLES knew full well that many who were assessed never actually paid, and was particular to embrace only those who had. Arrearages of taxes has been the rock upon which many Sheriffs have been wrecked, and we do not believe that the privilege of sitting on juries will possess sufficient charms to cause all to settle promptly.

It will be thus seen that no officers are to blame in this matter, and any attempt to cast reflection upon them or create unnecessary excitement about the matter, can only have its origin in inexcusable ignorance, a desire to malign and misrepresent our officials and people, or in a selfish ambition to fill the vacancies the removal of civil officers would create.

### Brownlow.

We have long been cognizant that the Radicals were forcing measures upon us which they will not accept for themselves. Universal suffrage exists in no Northern State, and negro eligibility to office has been discarded in their party platforms. So far as we know, in no canvass now going on at the North do the Radicals advocate this measure.

It seems that they are equally unjust in rejoicing over the election of men at the South who would not be acceptable at the North. By national legislation men are placed in high authority in one section whose aspirations for office would be hooted at in the other. While the Governor of Pennsylvania orders a State salute in honor of the election of that reverend model of piety and statesmanship, Parson BROWNLOW, to the gubernatorial chair of Tennessee, the Philadelphia *Press*, one of Dr. FORNEY'S "two papers, both daily," gives him the following very doubtful compliment : "We would not willingly see him "Governor of Pennsylvania, but we do "want him and rejoice in seeing him Gov- "ernor of Tennessee."

When BROWNLOW could be used and the Radical party of Pennsylvania needed his help, he was feted and toasted about Philadelphia. But when the party required dirty work in Tennessee, which their necessities did not require in Pennsylvania, he is cast aside as too unclean for them and hung like a millstone around the necks of the white people of Tennessee. BROWNLOW is not the only dirty tool used by the Radicals for foreign purposes which is rejected at home.

### E. T. McKethan.

The gentleman whose name heads this article is our authorized agent in Fayetteville, and he will attend to our business in Cumberland and surrounding counties.

The business relations of Fayetteville and the neighboring country with Wilmington is so closely connected, now that we have virtually a daily mail to Fayetteville (three times a week via Warsaw, three times via Raleigh, and once via Lumberton), we trust that our circulation, already very good, will greatly increase in that section.

It is unnecessary to make promises to these people. The *Journal* is an old acquaintance, and for many years we have been under obligations for a liberal support in that section, and now, that our claims are superior to all rivals, and, we hope, our merits equal to any, our circulation will very largely increase. Those wishing to subscribe or advertise in our paper, will find Mr. MCKETHAN prepared to give receipts in our name. We regard ourselves as most fortunate in securing the services of such an efficient and courteous agent.

The following gentlemen, residing on the Wilmington, Charlotte and Rutherford Railroad, also act as agents for the *Journal*, viz :

A. W. FULLER, Lumberton; J. W. WHITFIELD, Shoe Heel; W. H. ALLEN, Laurenburg; J. H. OSBORN, Rockingham, and Captain F. M. WOOTEN.

Receipts from the above gentlemen will be valid at this office.

### Fire at Lillington.

We learn that on Sunday night, 4th instant, a fire occurred at Lillington, in this county, by which a store belonging to Mr. James Garrason. was entirely destroyed. It was occupied by Mr. W. J. Bivins, who succeeded in removing nearly all of his stock, and his loss was small. The building was valued at about $1,000, on which there was no insurance.

### Governor Worth's Address.

We desire to call especial attention to the timely Address of Governor WORTH to the people of the State. We shall have occasion to refer to the subject of this Address at an early date and commend its recommendations to our readers.

Grant will probably carry the nation if he carries the nomi-nation.

The great bridge across the Ohio at Louisville has been commenced.

Last week there were 40 deaths from cholera in Memphis, Tenn.

The Mormon tabernacle at Salt Lake, just finished, holds 10,000 people.

The Californians are getting up a big medal for Juarez.

CRIMINAL COURT.—JUDGE MEARES' CHARGE—The August term of the Criminal Court for this county, his Honor, Judge Meares' presiding, convened in the Court House yesterday morning. A large number of persons of all classes were in attendance, most of them having business in some form or other, as is evinced by the crowded docket awaiting the action of the Court.

After the opening of the Court a Grand Jury were selected and empanneled from the number of persons sworn, with Solomon J. Faison, Esq. as Foreman. His Honor then proceeded to deliver the charge to this body. He stated that he considered, it unnecessary to detail at length their duties—all of them doubtless were or should be, from frequent attendance on courts, familiar with them. An explanation of the oath was, however, entered into, and the fact declared that the performance of their duties in an ordinary manner would not suffice. The word "*diligently*" was not placed before "enquire" in the form of oath, but for a purpose, and if the jury did not diligently enquire into all offences brought to their notice, they would commit perjury. The high obligation which they are under to society as regards an efficient discharge of their duties was alluded to. It has been said that no man, however learned, could improve the form of oath which they had subscribed to. It is brief, containing no superfluity of words, but comprising their whole duties. The object of punishment, and in inflicting punishment upon offenders, is to deter other evil doers from the commission of crime—the great object of the law being to prevent crime. We are living in troublesome times, consequent upon political persecution. Lawlessness pervades the public mind to a great extent in this county—officers of the law, in the discharge of their duties, are assaulted even upon the streets of this city. Where will all this end? It will end in blood but for the intervention of the law. The law must intervene and preserve its dignity, and secure order throughout the land, or society will suffer.

The community is persecuted and suffering from vagrancy—the cause of the numerous cases of larceny which have cost the county so many thousands of dollars for jail fees during the past twelve months—and will continue to suffer unless Magistrates discharge their duty and present these cases to the Courts. There are, it was stated, a large number of men loafing and lounging about the streets of this city, when the Military Commandant at Raleigh offers them opportunities to obtain labor, and farmers require their services. The crime of vagrancy is punished in every State in the United States and in all civilized countries, and there will be no relief from this lawlessness which exists until the vagrant laws are fully enforced. In view of this spirit of lawlessness, shall officers of the law sleep upon their posts and not act until we are thrown into a state of anarchy when it will be too late? Shall they not rather come forward, exercise their functions and break up this vagrancy in its incipiency. It is better that we should go down on the side of the law than to sleep the sleep of inactivity until death, making no effort for exertion.

His Honor then proceeded to enumerate the various offences, which would probably be brought to the notice of the Grand Jury at the present term with a brief explanation of the nature of each.—Their attention was first called to the most heinous of all offences, that of homicide, consisting of four grades—murder, manslaughter, justifiable and excusable homicide. Then rape, highway robbery and burglary—the latter of which, by the laws of N. Carolina, is a capital offence, the penalty being death, but which, like that of highway robbery, has been changed by military order to ten years' imprisonment. Arson was then called to the attention of the jury, and characterized as a most devlish crime, and the fact stated that the military authorities have not taken away the death penalty, which still exists. Larceny, the great source of annoyance now-a-days, it was stated, needs but little comment. This crime would, in the opinion of the Court, never be diminished to any great extent until the crime of vagrancy, out of which it grows, is suppressed. Forging and counterfeiting—crimes near akin to each other—perjury and subornation, and bribery of public officers, fornication and adultery, and the offence of keeping disorderly houses, gaming tables, and all the minor misdemeanors were also briefly called to the attention of the jury, after which they were directed to retire.

The afternoon was occupied in the trial of several cases of misdemeanors, which are of such minor importance as not to warrant publication The most important feature in these proceedings was the appointment of the trial of the case of Parker, indicted for murder, for Thirsday A writ of *venire facias* has been issued to the Sheriff, upon which he is directed to summon seventy-five good men, from which a jury will be chosen.

*Daily Journal, 6th.*

CRIMINAL COURT—GENERAL SICKLES AND JURIES.—In view of the challenge of the array of jurors at the present term of the Criminal Court, made by a member of the bar Monday afternoon, Col. Frank, Commandant of this Post, communicated by telegraph with General Sickles on Monday evening, stating the facts of the challenge and the grounds upon which it was founded, asking at the same time for instructions. A reply was received to the effect that if he (Col. Frank) was satisfied that the jury had not been drawn and summoned in compliance with Paragraph II, General Order No. 82, he would require all jury trials to be suspended by the Court until this order was obeyed. Col. Frank was further instructed that if it appears the proper officers have neglected to comply with the requirements of the order alluded to, relative to jurors, to report their names and make suitable nominations to supersede them.

In view of these instructions, Col. Frank directed the following communication to Judge Meares yesterday:

HEADQUARTERS POST OF WILMINGTON,
August 6, 1867.

*Hon. O. P. Meares, Judge of Criminal Court, New Hanover County:*

SIR: I am directed by the Maj. General Commanding 2d Military District, to require all jury trials where the juries have not been drawn and summoned in compliance with Paragraph II, General Order No. 32 (current series), District Headquarters, to be suspended until the order is obeyed. The juries for the present session of the Criminal Court, over which you preside, not having been made up in accordance with the order above referred to, you are hereby directed to suspend all trials until it shall have been complied with.

Very respectfully,
Your ob't serv't,
(Signed) R. T. FRANK,
Brevet Lt. Col., and Capt. 8th Inf't.,
Commanding Post.

After the reception of this communication his Honor announced that, although his oath did not enjoin upon him to recognize any order emanating from military authority, still, in view of the fact indicated by the communication of the Post Commandant, that all verdicts rendered by juries at the present term would be set aside, the Court considered it advisable, in order to save the county and individuals interested unnecessary expense, to continue all cases requiring trial by jury until the next term of this Court. The jury was accordingly declared discharged. The Court would, however, continue its session to hear submissions, and that the recognizances of defendants and witnesses may be taken.

The Sultan wears a fez because he thinks it "becomes a throned monarch better than his crown."

P. J. Hannon and Issac Hellman, two prominent citizens of St. Louis, died on the 3d inst.

Registration closed in Savannah, Georgia, on Saturday, the figures standing "whites, 2,269; colored, $3,062.

A fire broke out in Mobile on Saturday, destroying $20,000 worth of property before it could be subdued.

Twenty-three thousand three hundred and seventy-six emigrants arrived at New York last month.

Some banditti last week robbed the United States Express stage in Lafayette county, Missouri, of $1,700.

### Registration.

We are placed under obligations to Col. FRANK, Commandant of this Post, for a copy of General Orders No. 65, from Headquarters Second Military District. The order directs that registration commence at once, and prescribes rules and regulations for the government of the Registration Boards. We publish it in full; also the form of oath prescribed for Registers, and that for persons registering, which are appended :

HEADQUARTERS SECOND MILITARY DISTRICT,
CHARLESTON, S. C., August 1, 1867.

GENERAL ORDERS,
No. 65.

REGULATIONS FOR REGISTRATON.

I. Registration shall commence immediately upon the promulgation of this order.

II. Post Commanders will be Superintendents of registration within their respective commands, exercising, in addition to the functions hereinafter specially conferred, a general supervisory authority, looking to the faithful execution of the several Reconstruction Acts, the maintenance of order, and the protection of political rights. They will suspend registrars for malfeasance in office, neglect of duty, or incompetency, promptly reporting their action, with the reasons therefor, to these Headquarters.

III. The Boards of Registration are empowered and required to suppress all disorders interfering with the execution of their duties, to cause the arrest and confinement of all persons falsely taking the oath prescribed, all persons committing any breach of the peace or conducting themselves in a manner tending thereto, and all persons who shall threaten or otherwise attempt to intimidate, or corruptly or improperly influence any citizen offering to register; and for this purpose they may apply for aid to the Post Commander, and may require the attendance and services of sheriffs, their deputies, constables, policemen, and also of any citizen; and all State, district, county and town officers charged with the preservation of the public peace, as well as all citizens, are required to obey the orders of said Boards, given in pursuance of the authority aforesaid and to perform all such acts and duties as may be requisite therefor.

All arrests made as herein provided will be promptly reported to the Post Commander to whom also the prisoners will be turned over with charges for trial by a Post Court, to be organized as provided in Circular of May 15, 1867, from these Headquarters, and any civil officer or citizen failing to respond to the call of the Board for assistance will be dealt with in like manner.

IV. Whenever any citizen shall suffer injury in person, family or property, while exercising or seeking to exercise the right of registration, in addition to any penalty prescribed by law for the offence, damages shall be awarded to the injured party against the perpetrator, upon his conviction; and in case of default in payment of the same, or of the escape of the offender, if it shall appear that the wrong was countenanced, or the offender harbored or concealed by the neighborhood, or that the civil authorities failed to employ proper measures to preserve the peace, the damages shall be assessed against and paid by the town, county or district.

V. Offences perpetrated by white persons disguised as blacks, being of frequent occurrence, the attention of all authorities, civil and military, is directed to the device, as one adopted to escape detection, and to cast unmerited obloquy upon the colored people. In all cases, when resort thereto shall be shown, the fact will be taken into consideration as aggravating the offence.

VI. Depriving a citizen of any right, benefit or advantage of hire or employment, to discourage him from registering, or on account of his having registered or having sought to register, shall be deemed an offence punishable by the Post Court, and shall entitle the injured party to damages against the offender, any clause in any contract or agreement to the contrary notwithstanding.

VII. The Act of Congress entitled "An Act for the more efficient government of the rebel States," and the several Acts supplementary thereto, will be carefully observed by all Boards of Registration.

VIII. Each Board shall, after having taken the oath prescribed by the Act of Congress of July 2d, 1862, entitled "An Act to prescribe an oath of office," (*see Appendix, form* 1,) choose one of its members as chairman, who shall preside at all sessions of the Board, preserve order at its meetings for registration, and represent the Board, and announce its action in all matters coming before it.

IX. The places of session of the Boards shall be the voting places established by law or custom in each election precinct, unless for good cause otherwise directed by the Post Commander.

X. Each Board shall determine the order in which the registration shall take place in the several election precincts, that may be assigned to it by the Post Commander, and the time which shall be allotted to each—bearing in mind that the whole work is to be finished before the first day of October.

XI. Each Board shall, forthwith upon notice of publication of this order, and at least five days before commencing registration, give notice thereof to the Post Commander, and the sheriff, and the mayor of the city or the intendant of the town, and shall cause written or printed notices to be posted in five of the most public places in each election precinct, announcing the time when and the place where its sessions will be held, the number of days (in no case less than two), and the hours of the day the Board will remain in session at each place for the purpose of registration; and inviting all persons qualified to vote under the provisions of the Act of Congress passed March 2d, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the several Acts supplementary thereto, to appear before the Board of Registration.

XII. On the day and at the hour designated in the notice, for commencing registration, the Board shall, at the place announced, convene and enter upon it duties, and shall then and there also post notices of the time of final sessions provided for in paragraph XIX.

XIII. The room used for registration, which the chairman shall have previously provided for the purpose, shall be so arranged that the Board shall be separated by a bar from all other persons who may be assembled, and those to be registered shall be admitted within the bar, one by one, and their ingress and egress so arranged as to avoid confusion.

XIV. Two citizens shall be admitted within the bar as challengers, whose duty it shall be to challenge the right of any citizen offering to register, upon any of the grounds of disqualification enumerated in the Acts of Congress before cited; but the general right of challenge shall be conceded to all citizens present.

XV. If any challenge be made, the Board shall, before final decision, examine the person presenting himself for registration, in reference to the cause of disqualification alleged, and shall hear any evidence that may be offered, to substantiate or disprove the cause of challenge, and shall have power to summon and compel the attendance of witnesses and administer oaths in any case of registration.

XVI. In registering, the names of white and colored citizens shall be entered alphabetically, in separate columns of the list.

XVII. The following shall be the process of registering :

*First.* Every citizen presenting himself for registry shall take and subscribe the oath prescribed by law, (*see Appendix form* 2,) which shall be administered by a member of the Board, and such oath shall be preserved with the lists.

*Second.* His name shall then be entered in the proper column of the list, and called out by the chairman.

*Third.* Any challenge made shall be noted in the proper column, opposite the name, with the cause thereof.

*Fourth.* It is recommended to Boards to defer the hearing and decision of contested cases until the session for revision provided for in paragraph XIX.

*Fifth.* Whether or not there be any challenge, the Board must ascertain upon such facts or information as can be obtained, that the applicant is entitled to be registered before marking his name as "accepted,"—the oath not being conclusive.

*Sixth.* Section 7 of the Act of July 19th, 1867, declares that no citizen shall be entitled to be registered by reason of any executive pardon or amnesty for any act or thing which without such pardon or amnesty would disqualify him from registration.

*Seventh.* Boards will take notice that it is enacted by Section 6 of the Act of July 19th, 1867, that the true intent and meaning of the oath prescribed in said supplementary Act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned, shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

*Eight.* If there be no challenge, or if the challenge be finally overruled, and the Board determine that the applicant is entitled to be registered, the Board shall mark opposite the name of the applicant, in the proper column, "*Accepted*;" and he shall thereupon be deemed legally registered.

*Ninth.* If the final decision of the Board be that the applicant is not entitled to be registered, the Board shall mark in the proper column, opposite his name, "*Rejected.*"

*Tenth.* In every case of a rejection, the Board shall make a note or memorandum, setting forth the ground of such rejection, and return it, with the registration list, mentioned in paragraph XX.

XVIII. The registration, conducted as provided in Paragraph XVII, shall be made in triplicate lists, two of which shall, after the conclusion of the first session, be exposed for public inspection at convenient places, for five days; and the third shall be retained in possession of the Board till after the completion of registration at the meeting provided for in paragraph XIX, when the three having been compared and verified, shall be certified in the form prescribed and printed at the end of the blank registration lists.

XIX. Sessions for revising the lists shall be held in each election precinct, after said five days exposure of the lists, upon notice as provided in paragraph XII, and the Boards of Registration shall have power, and it shall be their duty, to revise the same for a period of two days; and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such from the list. And the Boards shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said Act, who have not been already registered and who shall then apply to be registered.

XX. One of the said lists shall then be immediately delivered to the Post Commander, who will forward the some to these Headquarters.

XXI. Each Board shall, at or before the conclusion of registration forward through the Post Commander to these Headquarters, a recommendation of three suitable persons for Inspectors of Elections in each election precinct, stating the name, occupation and postoffice address of each person recommended.

XXII. It is enjoined upon all Boards of Registration to explain, carefully, to all citizens who have not hitherto enjoyed the right of suffrage, the nature of the privileges which have been extended to them, and the importance of exercising with intelligence the new and honorable franchise with which they have been invested by the Congress of the United States.

XXIII. Boards will take notice that according to Section 10, of the Act of July 19, 1867, they are not to be bound in their action by any opinion of any civil officer of the United States.

XXIV. Boards are instructed that all the provisions of the several Acts of Congress cited, are to be liberally construed, to the end that all the intents thereof be fully and perfectly carried out.

XXV. The attention of all concerned is directed to the requirements of Section 4 of the said Act of July 19, 1867, by which it is made the duty of the Commanding General to remove from office all persons who are disloyal to the government of the United States, or who use their official influence in any manner to hinder, delay, prevent or obstruct the due and perfect administration of the reconstruction Acts. The names of all such offenders will be reported through the Post Commanders; and all persons in this Military District are called upon to aid and facilitate the execution in good faith of the said Acts and the orders issued in pursuance thereof.

XXVI. The Major-General Commanding, in the exercise of an ultimate revisory authority, will, in due season, before the holding of any election, entertain and determine questions assigning errors in the registry, and will, upon inspection of the completed lists, cause corrections of the same, that the true design and purpose of the laws be faithfully answered and that all the rights thereby guaranteed be fully and fairly enjoyed.

By command of Major-General D. E. SICKLES :
J. W. CLOUS,
Capt. 88th U. S. Infantry,
A. D. C. and A. A. A. G.

APPENDIX.

(FORM 1.)

I, ———, of ———, County of ———, and State of ———, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter :—So help me God.

———— Carolina,
————

Subscribed and sworn to before me, a ———, this ——— day of ———, one thousand eight hundred and sixty-seven.

————.

NOTE.—Registers will be required to take the oath prescribed by the Act of Congress approved 2d July, 1862. Blank forms of this oath will be furnished to Post Commanders, and when duly subscribed and sworn, will be returned to the Post Commander, who will forward them to District Headquarters. And if any person shall falsely take and subscribe such oath or affirmation, such person so offending and being duly convicted thereof, shall be subject to the pains, penalties and disabilities which, by law, are provided for the punishment of the crime of wilful and corrupt perjury.

(FORM 2.)

I, ———, do solemnly swear (or affirm,) in the presence of Almighty God, that I am a citizen of the State of ———; that I have resided in said State for ——— months next preceding this day, and now reside in the County of ——— or the parish of ——— in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do: So help me God.

Sworn to and subscribed before me,
this — day of ———, 1867.

REGISTRATION.—The registration of voters of the various counties comprised in this Military Post will commence on Thursday, the 15th instant, and continue at the places and on the dates prescribed in an order issued from Post Headquarters, until completed.

The Registers for this city will hold their sittings in the City Hall. Voters of the first ward will register on the 15

## STATE NEWS.

INTEREST ON N. C. BONDS.—The Public Treasurer has issued, from June in 1866 to the present time, new North Carolina Bonds to the amount of $2,219,100, in $1,000, $500, and $100 bonds, for the payment of old bonds. These new bonds are as acceptable in the money market in New York as the old bonds. But why shuld they be, if North Carolina is not a State and her government is an illegal one? New York brokers are at least as keen as the politicians of Congress. The standing of public securities is about as good a test of the legal *status* of a State, which has any responsibility, as any other fact, and a far better test than the opinions of political partizans.—Raleigh *Sentinel*.

BUYERS AND SELLERS OF N. C. BONDS.—At the suggestion of a friend, we give the following hints to the public, who may be interested in N. C. Bonds:

"N. C. Bonds" simply, without any remark, in the language of the Stock Exchange Brokers, means old N. C. Bonds, with coupons attached from July 1st 1861.

"New bonds" means bonds issued since the war, with coupons attached from 1st. July 1866, inclusive, i. e. three coupons of $30 each.

"Bonds ex-coupons" means old bonds, with coupons attached from July 1, 1866, inclusive, i. e. three coupons.

If either coupon is lacking, it is counted worth $30, not its market value.

We caution our readers against buying coupon State bonds, which have been *registered* in the State Treasury, unless those bonds have been properly re-transferred to bearer. Otherwise, they are not negotiable by delivery.

We are informed that, during the war some State bonds, the property of the late Gen. Branch, of Urias Baucom and perhaps others, were stolen, as alleged, by Federal soldiers, and are now in circulation. All bonds of this class are stopped and are not negotiable on delivery, and as the Public Treasurer has been duly notified not to pay them, the purchasers of them will find themselves deceived.

Those bonds on which writing has been erased, should be avoided, unless the Public Treasurer is consulted and pronounces them all right. These suggestions are important, to avoid error and loss.—Raleigh *Sentinel*.

WILLIAMSTON & TARBORO' RAILROAD.—Gen. G. W. Lewis, having received the appointment of Chief Engineer of this Road, will, we understand, commence the preliminary surveys on next Monday. He will be assisted in the work by Capt. Calder Turner, of Salisbury, N. C., who acquired a thorough practical knowledge of his profession, while engaged in similar work on the Western Extension of the North Carolina Railroad.

Under the energetic management of these gentlemen, we may expect the most favorable and speedy results, and we congratulate the friends of the enterprise in having secured the services of gentlemen in every way so well qualified.

Gen. Stubbs, the President, is actively engaged in promoting the success of the work, and an enterprise, for so long a time deemed visionary may now be considered fully inaugurated and needs but the united and harmonious efforts of its friends, to establish it on a firm and secure foundation.—Tarboro' *Southerner*.

RAILROAD MEETING.—A meeting was held at the town of Scotland Neck on Saturday, the 20th inst.. to take into consideration the building of a railroad from that town to the Roanoke at Edward's Ferry, there to connect with a line of steamers that will connect with the railroad at Halifax.

On motion, Wm. R. Smith, Esq., was called to the chair and John H. Davis requested to act as Secretary.

W. H. Smith, Esq., explained the object of the meeting, after which Richard H. Smith, Esq., spoke for some time, showing the advantages of the enterprise, and at the conclusion of his speech, a motion was made by John H. Hyman, Esq., that the chair select three gentlemen in Halifax and three in Scotland Neck, to open books of subscription to said road, and M. McMahan, James L. Ousby and John T. Grey, Esqrs., were appointed for Halifax, and John Nichols, Wm. H. Smith and John H. Hyman, for Scotland Neck.

Tarboro' *Southerner*.

SWAMP LANDS.—The recent publication by the Literary Board, exhibiting the character and advantages of the Swamp Lands owned by the State, we are glad to observe, has awakened considerable interest throughout the country. We have seen flattering notices of it in many of the leading papers of the North and Northwest. Better than this, we learn that a German Emigrant Association have submitted a proposition for the purchase of the entire body,—further particulars of which we shall soon be able to give the public. This is encouraging. We know of nothing that would help more, just now, in the development of our resources and in general recuperation, than the immigration to the State of large numbers of industrious, frugal Germans.

General Gwynn left the city on yesterday morning, on a professional visit to Hyde, in the interest of the Literary Board.

Raleigh *Sentinel*.

APPEALS IN CRIMINAL CASES.—Chapter V. An Act concerning appeals in Criminal Cases.

SEC. 2d. *Be it further enacted*, That in all such appeals, where the appellant fails, the costs of the Clerk of the appellate Court shall be paid, if so directed by the Court, by the county where the prosecution originated.

Ratified 22d December, A. D. 1866.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE.

I, R. W. Best, Secretary of State, do hereby certify that the foregoing is a true copy of Sec. 2d of An Act entitled "An Act concerning appeals in criminal cases," as appears from the original on file in this office.

Given under my hand the 1st July, A. D., 1867.

R. W. BEST, Sec'y of State.

The foregoing is published, by request, for the benefit of Clerks, &c.

Raleigh *Sentinel*.

RASCALITY.—A man calling himself John R. Sherman (and representing himself as a son of General Sherman) has been going through Union county professing to be an agent of the Government to sell land scrip to the negroes, promising that each negro that held the scrip should receive a tract of land. In some instances he swindled the negroes out of as much as $10 and $20 each. In certain sections of this county the negroes have been deceived in the same way.—We have heard of some negroes who have held this land scrip for six months before making any inquiries about its value. It would be well for some one to put the colored people on their guard against the operations of a set of mean, low-life swindlers who are going about the country making false promises, and leading the negroes to believe that they will get land without buying it from the rightful owners.

The fellow calling himself Sherman is represented as a small, good looking man and is a good fiddler.—Charlotte *Democrat*.

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A Connecticut beggar, while whining for a crust of bread, stole a set of false teeth to eat it with.

Somebody is evidently determined to burn off all the breweries in Chicago. No less than four have been burned within a week.

There are no less than five lawsuits pending in English courts concerning the steamship Great Eastern.

Gen. Rosseau has left New Orleans for Washington to consult with the Russian commissioner regarding the transfer of the new territory.

## TO THE PEOPLE OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT OF N. C.,
*Raleigh*, August 3, 1867.

Under the acts of Congress, called Reconstruction acts, popular elections are shortly to be held in this State.

At these elections no person is to be allowed to vote, unless he shall furnish evidence of his right to vote from Registrars appointed in pursuance of said acts.

All male citizens, white and colored, who have resided in the State one year previous to the day of election (with certain exceptions), will be entitled to vote, upon producing the certificate of the Registrars.

It is expected that instructions will be issued, at an early day, from Major General Sickles, who has been appointed by the President of the United States, to carry out the provisions of these acts in North and South Carolina, explaining to the Registrars their duties, and giving his construction of the acts as to the persons entitled to register; and those to whom this right is denied; and these instructions it will be the duty of the Registrars to obey.

As I understand these act, no person is to be allowed to register or vote, who, at any time before the war, had held any office under the United States, or any State office, "created by law for the administration of the general law of the State or for the administration of justice," and "afterwards engaged in insurrection and rebellion against the United States, or gave aid and comfort to the enemies thereof." I presume, in the expected instructions from Gen. Sickles to the Registrars, he will give a construction to these, as well as any other provisions of the acts, touching the right of registration, which may seem to him susceptible of variant interpretation.

It is believed that nearly all the colored voters, above 21 years old and who have resided a year in the State, will be entitled, under these acts, to register, and they will register and vote.

There is no means of making an estimate approximating certainty, as to the number of white male residents, above the age of 21 years, who will not be allowed to vote.

At the last census—1860—the total white male population was 313,670, and the total male colored population was 191,349; and at the excited election of Governor in 1860, 112,586 votes were cast.

The effect of this legislation, by the conquering power of the nation, makes the negro in the excluded States, as to civil and political rights, the equal of the most favored class of the whites, and the political superior of most of those who held office in the State before the war.

Whatever may be the final settlement of the questions as to the political equality of the two races, or the superiority of the one over the other, it is certain that for a long time to come, unless humanity is to be shocked by the expulsion or annihilation of one race or the other, this State is to be inhabited by both races; and it is the manifest interest of both races to live together in peace and friendship, each acting kindly towards the other. Every good man, who is a wise statesman, will use all his influence to avoid everything tending to antagonise the races. If one class consolidate to gain political ascendancy, or effect any other object deemed specially beneficial to such class, it will certainly lead to counter combination, and hostility between the classes, injurious to both and likely to end in ruin to the one or the other.

I have not heard of, and have no idea that there exists, among the white population, any combination, public or private, to consolidate the white vote, to the prejudice of the blacks; nor have I the slightest suspicion that any such combination is contemplated.

After the Registrars shall have decided who are to have the privilege of voting, the persons so registered will be called upon to vote for or against the call of a State Convention, and for members of such Convention.

These acts provide that, in case a majority of the voters shall vote for a Convention and elect members; and if such Convention adopt a Constitution which shall be ratified "by a majority of the persons voting on the question of ratification;" and "when Congress shall have approved the same; and when the State, by a vote of its Legislature, elected under said Constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the 39th Congress and known as article 14;" and when three-fourths of the States shall have ratified said 14th article, then "the State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law."

The *sole* object of this address is to urge on every citizen of North Carolina to register, who may be entitled to register,—and I have gone into this recital of some of the provisions of the acts of Congress, to enable you to understand the reasons which induce me so to advise you.

If you do not register, then you will not be allowed to vote for or against the call of a Convention, which is expected to make the alterations in your Constitution, contemplated by these acts of Congress, and such other alterations as the Delegates may deem proper.

If you do not register, you will not be allowed to vote for any delegate to the Convention.

When the Convention shall have proposed a new Constitution, if you shall not have registered, you will not be allowed to vote on the ratification or rejection of the proposed Constitution, however much you may admire or abhor it. And if you do not register, you will not be allowed to vote for members of the Legislature, who are to ratify or reject the proposed 14th article, as an amendment of the Constitution of the United States.

I have no hesitation in urging upon every citizen, who is allowed the privilege of voting under these laws, to register, so as to vote, if he choose, on these questions. No citizen allowed to register and vote, who fails to vote, will have any right to complain, if those who do register and vote, should adopt a Constitution which should be ever so oppressive and proscriptive.

Whatever Constitution may be adopted will no doubt contain a provision making it difficult to amend it. Hence every citizen, allowed to do so, should do what he can to make the new government as good as possible.

Let me ask each of you, who is allowed to vote and register—are you willing to surrender all share in making the Constitution and laws under which you are to live? Are you willing to surrender all share in electing the officers to whom shall be confided the making and the executing of the laws, including the levying and collection of taxes?

Whether you regard the laws as constitutional or unconstitutional, wise or unwise, you ought to register and put yourselves in condition to vote and maintain as long as possible the right of the people to form the government and make the laws under which they are to live. If you cannot have such a government as you desire, make it as good as you can.

A neglect or refusal to register I regard as a voluntary surrender of the right to take part in governmental affairs; and I therefore most earnestly entreat every citizen not to despair of popular government, but to register and vote, and try to maintain a government which will give to him, and his posterity, as much of security and happiness as possible.

JONATHAN WORTH.

From the Raleigh Sentinel.

## THE MILITARY COMMISSION.

### United States vs. Tolar, Powers and Watkins.

THURSDAY MORNING, August 1.

*James Kendrick*, sworn: Was at Market the day of Archy Bebee's trial and tried to go up and hear it but was prevented.—Stayed down below. Saw Tolar, Tom Powers, "Monk" and John Maltsby there, while Bebee was up stairs. There was considerable excitement in the crowd below. Miss Massie and mother came down stairs first, accompanied by Mr. Bond. He and Powers went with them to the carriage that was waiting on the outside for them. When Bebee was coming down, I heard Tolar remark "he hoped he would not have to shoot, but if he did, it would be a good shot." Just as Bebee was going out of the arch, I heard Tom Powers demand him of the Sheriff.—at the same time laying his hands on Bebee, which demand was refused by the Sheriff. Saw the man who fired the pistol that killed Bebee; it was Capt. Tolar; know him well; was standing near enough to him at the time to lay my hand on him. Witness was not standing on the side walk at the time. Saw Tolar a few moments after, standing against the wall of the market house. Saw "Monk" soon afterwards charging around. Mr. Nixon caught hold of him and told him to behave himself. At the time Bebee was shot, heard George Hollingsworth cry out, "Capt. Tolar shot him," "Capt. Tolar shot him."

*Cross Examined:* Received my subpœna last Saturday. Sam. Phillips is a relation of mine, an uncle; my father married his sister. Have talked with him about it.

Know that Capt. Tolar, being a butcher, is frequently about the market house and transacts his business there. When Tolar made the remark about shooting, there was quite a crowd around him; don't recollect the name of any other person there at that time. Did not see anything in Tom Powers' hand, when he caught hold of Bebee. When Bebee was shot, Sheriff Hardie had his hand in Bebee's collar, and was standing in his rear and right; there were several persons between Tolar and Bebee, when the pistol fired. Tolar was on my left and front, and was about three steps off from the pavement—four or five feet, and perhaps more. Saw Sam Phillips have a pistol there that day; he just had it in his hand. After we walked down to the store, about seventy-five yards from them, uncle Sam showed me his pistol and told me "there was going to be trouble about this matter and there was his pistol;" it was a large size Remington pistol; he showed me no other "four barrelled" or "smaller pistol."

I can't swear I ever saw Tolar before that day.

*Re-direct:* The reason I have not talked with Sam Phillips, since I have been here, about what I was going to swear, is because you (prosecuting counsel) told me not to.

The pistol Phillips had in the crowd, at the market house, was the same that he showed me at his store. Am certain that Tolar fired the pistol; could not be mistaken; am positive.

*William Carpenter*, sworn: Happened to pass through the market-house about the time Bebee was brought down stairs, and, soon after passing through, heard a pistol shot and turned round and saw Capt. Tolar come out of the crowd and have a pistol in his hand, which he was holding under his coat behind, or trying to put in his belt; saw him go up to the side of the market house and stop; saw him no more.

*Cross Examined:* Saw the crowd, but my attention was not called until the pistol fired. I looked around and saw Tolar; he was coming out of the crowd and he seemed to be in the act of putting up a pistol.—I did not see who fired the pistol. There was a large crowd there, white and black.—The pistol I saw Tolar have was a repeater.

*Duncan N. McLean, sworn:* Am a schoolteacher and live in Fayetteville. Am not a licensed preacher; was in Fayetteville when a negro was killed at the market house.—Was in Newberry's store; it is on Person street, the second store from the market house. Was looking out of the window when the pistol fired; saw the flash and smoke, but did not see the pistol. Can't say who fired it; was in the crowd before the pistol fired, but don't recollect a single person who was there. Went after the shot was fired and looked at the dead negro; saw Hardie and one or two others there.

No cross-examination.

Court adjourned until to-day (Friday) 11 o'clock.

FRIDAY, August 2, 1867.

*Wm. Robt. Porter, sworn:* Live in Fayetteville; was at the market-house when Bebee was killed. Am 16 years old, was out hunting that day with Geo. Hollingsworth; came back and went to the market-house; saw "Monk" there. Did not see Tolar before I saw him in the act of firing. Saw him shoot Bebee.

*Cross examined:* Lost sight of Tolar, as soon as he fired. My attention was turned to Bebee; saw him fall backwards; some persons were between Tolar and Bebee, when Tolar fired.

*Re-Direct:* About ten persons between Tolar and Bebee when Bebee was killed. Did not see Tolar that day before I saw him in the act of shooting. Did not see what Tolar did with the pistol after firing. Did not hear any exclamation in the crowd about the time Tolar fired.

*Bryant Burket sworn:* Live in Fayetteville; knew Archy Bebee, was present when he was killed; it was near the corner of the market-house in Fayetteville; was at the market-house nearly all day; there were about a hundred persons there when Archy went up stairs, which crowd kept increasing, Passed through the market-house before Bebee came down; saw Tom Powers in there. Never saw "Monk" until they were bringing Bebee down. Saw Miss Massie come down before Bebee and was escorted by Mr. Bond to the carriage; Mr. Tom Powers went to the carriage and talked with them. Saw "Monk" cut at Bebee just as he was going out the arch. Heard voices say, "we demand the prsioner." Prisoner was started to the guard house, but when near the S. E. corner, he was shot. Saw a pistol fire and Bebee fall. Dont know who fired the pistol. I was standing in the street near the pavement; the pistol fired to my front and right; saw Capt. Tolar soon afterwards standing against the market-house wall. Did not see "Monk" or Tom. Powers afterwards. Immediately after the pistol fired, I heard at least two voices say, "Mr. Tolar has shot Archy."—It was called out in an ordinary tone of voice.

*Cross Examined:* My best impression is, that the voice said, "I demand the prisoner;" am absolutely certain that the man who fired the pistol was on the pavement, near the edge, about twelve feet from me; there were several persons between me and the man who fired the pistol; *he* was not more than four feet from Bebee. The man who fired the pistol was nearly in a direct line to the rear of Bebee.

Did not see Sam Phillips there that day. Did not hear any one cry out that anybody else, exept Tolar, had shot Bebee. Know Captain Tolar well; know that the market house is his usual place of business. Never have told anything about this matter before I told Gen. Avery, yesterday. Don't know who had me summoned.

*Re-direct:* The voice that I heard cry out that Tolar had shot Bebee was immediately after the pistol fired.

*James Douglas*, (negro,) sworn; Remember when Bebee was killed; 'twas on Monday afternoon some five or six months ago. I cook in the neighborhood of the market house and was about there all day. Saw Bebee carried to the market house; heard some one say that no one should go up stairs, except the witnesses, which prevented me from going up.

I saw "Monk Julia" walking up and down on the east side of the market house, cutting a stick; saw Tolar there, also John Hollingsworth; nothing attracted my attention before the ladies came down; saw them get in the carriage and it drove off; saw Bebee come down stairs. Heard some one say, "I demand the prisoner;" saw Monk try to cut Bebee with a knife.

Bebee started to the guard house. Soon after he got out of the market house he and the officer that had hold of him, all fell down together. The crowd kept pushing on Bebee. When he rose up, Capt. Tolar came up and laid his left hand on my shoulder and drew a pistol, which he placed in six inches of Bebee's head, and fired it and killed him. Tolar then adjusted his shawl and walked off. Saw Phillips soon after; he had a pistol in his hand, but there was only one pistol fired that day, and Tolar fired that. Phillips spoke to me soon after. Some one in the crowd cried out, "anybody that knows too much about this will fare likewise," or something to that effect. John Hollingsworth was there armed.

*Cross Examined:* About forty or fifty there at first, but crowd kept increasing.—Nothing attracted my attention before the prisoner, Bebee, came down. Remember seeing only Monk and Tolar before Bebee came down. When the prisoner was brought down a remark was made, "I demand the prisoner." Saw Monk afterwards try to cut him. Saw Bebee, Faircloth and Wemiss all fall down together. I rushed up towards them and got near enough to put my hands on Bebee. When Bebee rose up somebody had both hands in his comfort, which was about his neck. There was no one between me and the man who fired the pistol. I swear that man was Capt. Tolar. His shawl slipped off his right shoulder and he made a motion to regain it.

Calvin Hunter was right near me. I did not see John Armstrong there. Did not hear any one make a remark to Capt. Tolar when he shot.

There was nobody between him and Bebee, when he shot, except Mr. Faircloth, who was down on his knees. Can't say for certain which way the carriage drove off with Miss Massie and mother.

*Re-Direct:*—I was standing near enough to touch the prisoner when he was killed. Nobody was between me and Capt. Tolar; he caught hold of my right shoulder and pushed me a little aside. Can't say whether Sam Phillips had on a pistol that day or not.

Court adjourned to Monday, 11 o'clock, A. M.

MONDAY MORNING, Aug. 5, 1867.

*James McNeill, negro sworn:* Live in Fayetteville; was there when Bebee was killed. I am a Cabinet Maker. Bebee was also called Archy Warden; he was killed one Monday. Was not at the market house when he was killed, but was there before and after; was standing at the East end of the market house when Bebee was brought from the guard house; there was a very large crowd gathered about there. I saw Captain Tolar, Tom Powers and "Monk Julia" there; saw Miss Massie come down stairs and get into the carriage; was about fifteen feet from the carriage when they got in. Mr. Tolar spoke to them, after they got into the carriage. Miss Massie's mother called Tom Powers to her and talked with him, as the carriage drove off, I heard her say, "Tom, don't you have anything to do with it," and he shook his head as if to say "no." I soon afterwards asked Mr. Powers if the young lady was not related to him, and he said "yes, she is my niece;" he was weeping. Soon after, Capt. Tolar came up to Powers and took him off, saying to him, as he went, "you will only have to grab him when he comes down the steps, and that will break the ice." That remark frightened me off, and I ran off to Mr. Foster's store as fast as I could,—about forty or fifty yards off.

*Cross-examined:* Name is McNeil; came to market house, first, between two and three o'clock. Heard the oldest lady in the carriage say "Tom, don't you have anything to do with that, you go home;" and he shook his head; heard Capt. Tolar tell him, "Tom, you grab him when he first comes down and that will break the ice and that is all you will have to do." They were two or three steps in advance of me at that time. Have no doubt but that those were the words used.

*Re-Direct:* Did not see anybody speak to Mr. Bond.

*In reply to questions by Court:* When Tolar spoke to Powers, the full expression was, "Tom, as he comes down the steps you grab him and that will break the ice, and we will put him through."

*Second Cross-examination:* I have not mentioned anything about this before, except to a boy at the store the day it occurred, and to Gen. Avery and Col. Haywood since I have been up here. The reason I did not state "and we will put him through," in my direct examination, was because I forgot it.

*Phillip Pickett*, (negro,) sworn:—Live in Fayetteville; know Archy Bebee or Warden; he goes by both names; saw him the day he was killed; was at the market house. I saw Capt. Tolar, "Monk," Dr. McDuffie and John Hollingsworth there; they were talking together. Hollingsworth had on a pistol. Saw Tom Powers in the market house sitting on Becky Bowe's bench; there was a good many persons there. Saw Mr. Bond help the ladies in the carriage; heard Mr. John Maltsby ask Mr. Bond if Bebee was found guilty, and Mr. Bond said "yes," and then he, Maltsby, went back and told Mr. James Jones, and some other words passed between them. Did not see anything happen until Bebee got out on the pavement, when a rush was made at him and I saw "Monk" with a knife trying to cut him. After that they had a scuffle and Bebee and the officers with him all fell down together; as he was rising up Capt. Tolar stepped up and shot him. Can't say what was the size of the pistol; am certain it was Tolar who fired the pistol; he had on a shawl; I was nearer Bebee than Tolar, when the pistol fired. Sheriff was right by the side of Bebee and had hold of him when the pistol fired. Saw Tolar put the pistol under his shawl on his left side; saw Ed. Powers there and Ralph Lutterloh; saw Sam Hall there, did not see him talk with any of the prisoners.

*Cross Examined:* Have lived in Fayetteville all my life. I can't say for certain, that it was Dr. McDuffie talking with Tolar and others, but recollect the others well.—I saw Mr. John Maltsby go to the carriage, but did not see Mr. Tom Powers go there. Heard Mr. Jones tell Mr. Maltsby to "mention that other thing," and Maltsby said "I will." Did not see any assault on Bebee, until he got out on the pavement; then heard some one say "shoot the damned rascal," "shoot him," and an assault was made upon him. When Tolar fired, he shot over the crowd. Sheriff Hardie was on one side of the prisoner (Bebee) and Wemiss on the other. Mr. Faircloth was just before or behind. Did not hear Tolar say anything at the time he fired.

*Re-Direct:* Just after the pistol fired, I heard some one say "it was a very good shot," and one say that he "gloried in his spunk." Do not know who said it; no names were called; reference was made to the man who fired the pistol.

CRIMINAL COURT—SENTENCE OF FRANKLIN SMITH.—Among the proceedings of this Court, Wednesday, the sentence of Franklin Smith (white) convicted of the crime of rape at the April term of this Court, was the most important. After his trial the prisoner was sentenced to be hanged in May, but he craved an appeal to the Supreme Court of North Carolina which was granted. The case was accordingly carried up to the Supreme Court, which tribunal, at the June term, after due deliberation, sustained the Court below and declared there was no error in the proceedings.

Agreeably to this decision of the Supreme Court, the prisoner was brought before Judge Meares, yesterday, to receive the sentence of death for a second time. Mr. Solicitor Holmes read a transcript from the record of the Supreme Court, and announced that it became his painful duty to pray the Court that judgment be passed against the prisoner at the bar.

The counsel for the prisoner stated that he had but one last request to make, and that is, that sufficient time be granted to obtain Executive clemency. Steps had been already taken in this direction, he stated, and a petition was already on foot. The counsel declared that he was induced to make this request from the fact that since the trial facts had transpired, though now too late, which would go to show the prisoner wholly incompetent to commit the crime at the time it was charged.

His Honor then proceeded in due form and with great solemnity to pass sentence of death upon the prisoner. He implored and advised him to endeavor to become prepared for the end which he was rapidly approaching, by directing his thoughts on high and seeking consolation from that Book of books which promises that even such sinners as he may be forgiven. The sentence directs that the prisoner be taken back to the common Jail, from whence he came, there to remain until Friday, the 30th day of August, 1867, at which time he will be taken by the Sheriff to the common place of execution, between the hours of 10 and 4 and there to be hung by the neck until he is dead, dead, dead.

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MILITARY COURT.—A Military Court was convened here Wednesday, by order of Col. Frank, Commandant of the Post, and is now in session for the trial of persons charged with retailing liquor contrary to General Orders No. 32, from District Headquarters. Chas. Schulken was the first person arraigned upon this charge before the Court, but the evidence being so unsatisfactory, the case was dismissed.

Yesterday afternoon C. Hussel was arraigned upon a similar charge, but the case has not yet been concluded and the trial will be continued today.

There are several more parties under arrest upon similar charges, we learn, and Col. Frank evinces a disposition to ferret out and bring to trial all persons committing this offence.

## LATEST NEWS
## BY TELEGRAPH.

NEW YORK ASSOCIATED PRESS DISPATCHES FOR THE JOURNAL.

### From Washington—The Surratt Case.

WASHINGTON, D. C., Aug. 7—P. M.

Judge Fisher's charge covers four and a half columns, its general tone is regarded as unfavorable to the prisoner. The following is the summing up: From the observations which I have addressed to you, you will infer first that a conspiracy was formed in time of war to take the life of the President and Vice President of the Republic and the heads of the Executive Departments, for the purpose of aiding the enemies of the Federal Government by throwing it into anarchy and confusion, is treason, as heinous and as hurtful to the people of this country, as the compassing the death of the King or Queen of Great Britain is to the subjects of that realm.

Second. That every person engaged in such conspiracy, as long as he continues a member of it, is responsible, not only for the act of treason, but for any murder or less crime which may flow from it.

Third. That the Government may waive the charge of treason against any or all the conspirators, and proceed against them for the smaller crime of murder included in the greater crime of treason.

Fourth. That under an indictment for a murder resulting from the prosecution of such a conspiracy, evidence of the entire scope of the conspiracy may be considered in estimating the heinous character of the offence laid in the indictment.

Fifth. That it was not necessary to aver in the indictment the fact that Abraham Lincoln, the victim of the murder was, at the time of its commission, President of the United States, or to prove it in order to allow the jury to take that fact into the account in determining the heinous character of the crime, it being a fact of which Courts will take Judicial cognizance.

Sixth. That he who does an act by another does it by himself, and is responsible for its consequences, in criminal as well as civil cases.

Seventh. That although an *alibi* when clearly established, forms a complete and unanswerable defense, the mere absence from the immediate scene of a crime resulting from a conspiracy unrepented of and unabandoned by the party charged, it will not avail him if he were at some other place assigned him performing his part in the conspiracy.

Eighth. That this plea is—unless clearly made out—always regarded with suspicion, and a circumstance weighing against him who attempts it because it implies an admission of the correctness of the inference drawn from them.

Ninth. That flight from the scene of crime, the fabrication of false accounts and the concealment of instruments of violence are circumstances indicating guilt.

Tenth. Although a confession in the slightest degree tainted with the promise of favors, or by duress, or fear, is not admitted as evidence against him who makes it, yet, if made freely and voluntarily, is one of the surest points of guilt.

The foreman of the Jury requested a copy of the recorded evidence.

Judge Fisher said it was unusual.

The receipts of Internal Revenue to-day reach $452,000.

9 O'CLOCK, P. M.—Up to this hour no verdict has been rendered by the Jury in the Surratt case. The Court House is densely crowded with anxious citizens.

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### Markets.

NEW YORK, Aug. 7—6 P. M.

Stocks dull. Money 5 per cent. Gold 140⅛.—Five-twenties of '62 coupons, 113½.

Cotton easier—sales of 1,000 bales at 28½@29 cents. Flour dull and declining—State $6 20@$10 90; Southern $11@$15. Wheat steady—Southern Amber $2 20@$2 30; Southern white $2 45@$2 55. Corn active—mixed western $1 13@$1 15; white $1 18. Groceries dull. Spirits turpentine 59½@60 cents. Rosin $4@$8 50.—Freights heavy.

NEW YORK, August 8—Noon.

Stocks heavy. Gold 140⅛. Money 5 ₩ cent. premium. Sterling Exchange 8⅞@10⅜. Five-20s, of '62, coupons, 113⅜. Virginia 6s, 50. Missouri 6s, 103. Tennessee 6s, ex-coupon, 69; new issue, 67⅜.

Flour—old, 10 to 20 cents better; new is dull and heavy. Wheat 3 to 5 cents better. Corn 1c. better. Pork is a shade firmer—sales at $23 12½@$23 15. Lard steady—sales at 12¼@13½ cents ₩ lb. Whiskey is quiet. Cotton dull—sales at 28½ cents. Spirits Turpentine steady—sales at 60@60½ cents ₩ gallon. Rosin is quiet—strained sells $4 12½.

BALTIMORE, Aug. 7—6 P. M.

Cotton steady and unchanged; middling 28½@29 cents. Rio Coffee dull—stock large—market favors buyers. Flour nominally easier—no sales. Wheat declined—prime white $2 60@$2 65; inferior to good $1 80 to $2 40; choice red $2 50@$2 55. Corn active—white $1 16@$1 21—mostly at $1 18@$1 19—yellow $1 13. Provisions more active and firmer for both bulk and bacon; prices unchanged. Whiskey in bond $2 33@$2 35.

The weather was showery all day.

## Wilmington Wholesale Prices Current.

| | | | |
|---|---|---|---|
| BEESWAX, ₩ lb | 33 @ | 36 | |
| BEEF CATTLE, ₩ 100 lbs. | 8 50 @ | 10 00 | |
| BRICKS, ₩ M. | 10 00 @ | 15 00 | |
| BARRELS, Sp'ts T., each, | | | |
| 2nd hand | 3 00 @ | 3 50 | |
| New | 4 00 @ | 4 25 | |
| CANDLES, ₩ lb., | | | |
| Tallow | 18 @ | 20 | |
| Adamantine | 23 @ | 25 | |
| Sperm | 50 @ | 55 | |
| COFFEE, ₩ lb., | | | |
| Java | 38 @ | 40 | |
| Laguayra | 28 @ | 30 | |
| Rio | 23 @ | 25 | |
| St. Domingo | 22 @ | 23 | |
| COTTON, ₩ lb., | | | |
| Ord. to Mid'g | 22 @ | 25 | |
| Strict Mid'g | 00 @ | 26 | |
| COTTON BAGGING, | | | |
| Gunny, ₩ yd | 00 @ | 28 | |
| Dundee | 20 @ | 00 | |
| Rope, ₩ lb | 12½@ | 15 | |
| CORN MEAL, ₩ bushel | 1 50 @ | 1 55 | |
| DOMESTICS, Sheeting, ₩ yard | 00 @ | 17 | |
| Yarn, ₩ 5 lbs | 90 @ | 2 00 | |
| FEATHERS, ₩ lb | 75 @ | 80 | |
| FISH, ₩ bbl., | | | |
| Mackerel, | | | |
| No. 1 | 00 00 @ | 22 00 | |
| No. 2 | 20 00 @ | 20 00 | |
| No. 3 | 00 00 @ | 14 00 | |
| Mullets | 6 00 @ | 8 00 | |
| Herring, | | | |
| East | 5 00 @ | 7 00 | |
| N.C.roe, | 10 50 @ | 12 00 | |
| do cut, | 7 50 @ | 8 00 | |
| do gross | 6 50 @ | 7 00 | |
| Dry Cod, ₩ lb | 9 @ | 10 | |
| FLOUR, ₩ bbl., Northern | | | |
| Family | 12 50 @ | 16 00 | |
| Superfine | 8 75 @ | 10 00 | |
| Fine | 8 50 @ | 9 00 | |
| GLUE, ₩ lb | 24 @ | 25 | |
| GUNNY BAGS | 35 @ | 45 | |
| GUANO, Peruvian, Per ton | 00 00 @ | 90 00 | |
| LAND PLASTER, ₩ ton | | 18 00 | |
| GRAIN, ₩ bushel, | | | |
| Corn | 1 25 @ | 1 30 | |
| Oats | 00 @ | 90 | |
| Peas, Cow | 1 75 @ | 2 00 | |
| Rice, rough | 2 25 @ | 2 50 | |
| Carolina | 12 @ | 12½ | |
| East India | 11 @ | 12 | |
| HIDES, ₩ lb., | | | |
| Green | 5½@ | 6 | |
| Dry | 13 @ | 14 | |
| HAY, ₩ 100 lbs., | | | |
| Eastern | 1 50 @ | 1 60 | |
| Northern | 1 25 @ | 1 50 | |
| IRON, ₩ lb., | | | |
| English, ass'd | 8 @ | 10 | |
| American, ref. | 0 @ | 10 | |
| American, sheer | 9 @ | 10 | |
| Swede | 10 @ | 12 | |
| Hoop, ₩ ton | 155 00@ | 160 00 | |
| LIQUORS, ₩ gal., (dom.) | | | |
| Whiskey, Bourbon | 2 00 @ | 4 00 | |
| N. E. Rum | 3 00 @ | 4 00 | |
| Gin | 4 00 @ | 7 00 | |
| Brandy | 4 00 @ | 9 00 | |
| LUMBER, (River, Fl't Bds | 15 00 @ | 18 00 | |
| Wide do | 10 00 @ | 12 00 | |
| Scantling | 8 00 @ | 10 00 | |
| LIME, ₩ bbl. | 0 00 @ | 0 00 | |
| From store | 1 80 @ | 2 00 | |
| MOLASSES, ₩ gallon, Cuba | 50 @ | 52½ | |
| Sugar house | 45 @ | 47½ | |
| Syrup | 60 @ | 1 00 | |
| NAVAL STORES, Turpentine ₩ 280 lbs | | | |
| Virgin | 0 00 @ | 3 45 | |
| Yellow dip | 0 00 @ | 3 45 | |
| Hard | 0 00 @ | 1 72½ | |
| Tar, ₩ bbl. | 0 00 @ | 2 00 | |
| Tar, in ordr | 2 25 @ | 2 50 | |
| Pitch, City | 0 00 @ | 3 50 | |
| Rosin, pale | 5 25 @ | 6 00 | |
| do No. 1 | 3 50 @ | 5 00 | |
| do No. 2 | 3 00 @ | 3 25 | |
| do No. 3 | 2 90 @ | 3 00 | |
| Spirits Turpentine, ₩ gal | 00 @ | 53½ | |
| NAILS, ₩ lb., Cut | 7 75 @ | 7 00 | |
| OILS, ₩ gallon, Sperm | 0 00 @ | 3 60 | |
| Linseed | 1 75 @ | 1 90 | |
| Machinery | 2 00 @ | 2 50 | |
| Kerosene | 50 @ | 55 | |
| PEA NUTS | 3 25 @ | 3 35 | |
| POTATOES, Sweet, bush | 0 00 @ | 0 00 | |
| Irish, ₩ bbl | 0 00 @ | 0 00 | |
| PROVISIONS, ₩ lb., N. C. Bacon. Hams | 21 @ | 22 | |
| Middlings | 18 @ | 19 | |
| Shoulders | 17 @ | 18 | |
| Hog round | 17 @ | 19 | |
| Western Bacon Hams | 19 @ | 22 | |
| Middlings | 16½@ | 18 | |
| Shoulders | 15 @ | 15½ | |
| Lard, N. C. | 18 @ | 19 | |
| do North'rn | 13 @ | 16 | |
| Butter, N. C. | 20 @ | 30 | |
| do North'rn | 30 @ | 35 | |
| Cheese | 17 @ | 20 | |
| PORK, Northern, ₩ bbl., City Mess | 26 00 @ | 27 00 | |
| Thin " | 00 00 @ | 25 00 | |
| Prime, | 23 00 @ | 24 00 | |
| Rump | 00 00 @ | 00 00 | |
| SALT, Alum, bush. | 0 60 @ | 62½ | |
| Liverpool, sack, groun cargo | 0 00 @ | 0 00 | |
| from store | 2 25 @ | 2 40 | |
| SUGAR, ₩ lb., Cuba | 12½@ | 14 | |
| Porto Rico | 14 @ | 15 | |
| C | 15½@ | 16 | |
| B | 16½@ | 17 | |
| A | 17½ | | |
| Crushed | 18½ | | |
| SOAP, ₩ lb., Northern, | 9 @ | 13 | |
| Wilmington, Ext. Family | 10½@ | 11 | |
| Family | 10 @ | 10½ | |
| Chemical, | 9½@ | 10 | |
| Pale | 7½@ | 8½ | |
| SHINGLES, ₩ M., Contract | 4 50 @ | 5 00 | |
| Common | 3 00 @ | 3 75 | |
| STAVES, ₩ M., W. O. bbl | 20 00 @ | 30 00 | |
| R. O. hhd | 30 00 @ | 40 00 | |
| TIMBER, ₩ M., Shipping | 12 00 @ | 13 00 | |
| Mill, prme | 10 00 @ | 12 00 | |
| Mill Fair | 8 50 @ | 9 00 | |
| Mill, inferior to ord | 6 00 @ | 7 00 | |
| TALLOW, lb | 10 @ | 11 | |
| TOBACCO, ₩ lb., Navy | 25 @ | 35 | |
| Medium | 30 @ | 40 | |

## REVIEW
OF THE
## WILMINGTON MARKETS
FOR THE
### WEEK ENDING THURSDAY,
August 8, 1867.

TURPENTINE—Ruled without change in price up to Mon

THE WILMINGTON JOURNAL

WILMINGTON, N. C.,

SATURDAY, AUGUST 3, 1867.

### Words and Acts.

We begin to think that Senator WILSON is the most inconsistent (to use no more expressive word) politician now prominently before the public. He can claim no reputation for bold "ground and lofty tumbling," like such political acrobats as BUTLER, LOGAN and KELLEY; but his talent is versatile, and for the lighter parts he is the more faithful delineator—a failure possibly in leading characters, but a most accomplished harlequin.

One who knew nothing of Senator WILSON, but what they learned from his own lips, might regard the following extract from his speech recently delivered at Saratoga, as consistent with his *feelings*; but those who are familiar with his political record know such sentiments are widely at variance with his *acts*.

In his Saratoga speech, referring to the people of the South, he said:

"They were more severely conquered than I dreamed of. I tell you here to-night that the people of that section of the country put into the contest all they had of blood and of treasure, *and they were defeated, utterly annihilated, their powers gone.* No man who loves his country and his fellow-men, and who regards those States as part of the country, and the people as part of his countrymen, can witness the condition of that section *without having his heart softened and stirred within him.* For myself, while I spoke to them plain words, I desired to speak to them in kindness, and in thirty-two speeches I made in that section of the country, to various kinds of audiences, I never received a hiss, or whisper, or unkind word. * * * For myself, I want no more punishments than have already been inflicted on these men. They have suffered, and have been disappointed more than any body of men in the history of the world."

He made use of the same wish contained in the closing sentences of the above extract in each of the "thirty-two speeches," and promised, that so far as he was concerned, and he thought he spoke for his party in Congress, that the then reconstruction measures should be a finality if the South so willed. After the *heart-softening and stirring* process through which the Senator passed, he returned to his seat in the Senate and violated his solemn promise to those people who *were defeated, their powers gone*, and by his vote made new conditions, more stringent, as the terms of their reconstruction, and was only refrained from destroying even the shadow of civil government yet left us by his more honorable cotemporaries in that body.

Notwithstanding the feeling and apparently honest sympathy for the Southern people, expressed by the distinguished Senator, and the confession that his fastidiously loyal appetite for the punishment of rebels had been appeased in that they had already suffered and have been disappointed more than any body of men in the history of the world, there has been no malignant device brought forward in Congress to increase our suffering and add to our disappointment which has not found a ready abettor and aider in the Massachusetts Senator.

Can it be that Mr. WILSON'S experience at Saratoga, where are collected leading men from all portions of the North, teaches him that there is a returning love for the country in that section, and regarding the Southern States as a part of the country, and the citizens thereof as at least "erring" fellow-men and not outlawed rebels, that their hearts are softened and stirred within them at the outrages which have been committed against these people under the sanction of law and the Constitution. We have never doubted that when the hearts of the people softened, those of the politicians would melt, and if the prescribed terms of reconstruction are condemned at the ballot-box, we are prepared to hear that Mr. WILSON thinks that "these men" have been punished too much already. The present Congress may be composed of very blood-thirsty men, but let the people in the fall elections disapprove their acts, and they will "roar as gently as any sucking dove." To see such old and shrewd politicians getting nervous, is certain evidence of approaching disaster. When men, who have watched the political skies for thirty years, begin to seek cover, you may well calculate upon the certain approach of the storm.

### Sources of Trouble and Mischief.

We regret to see that too frequently in the chaotic condition of governments and society in the South, notoriously bad men acquire official positions of sufficient importance to enable them to exert a most mischievous influence upon the ignorant people, who have been so recently and suddenly endowed with all the rights and privileges of citizens. The present condition of the South would be most deplorable, even if our political and sectional opponents were all honorable and honest. But added to our other troubles and losses, we have to withstand the efforts of bad men, who are imposing upon the credulous ignorance of the negroes, to hasten their destruction in order to complete the ruin of the South. It could hardly be expected that political buzzards would fail to discover the rich prey which the carcass of Southern prosperity afforded.

We believe such persons are now doing all the mischief in their power. They must be frowned down by the respectable portions of their own party and the more intelligent and considerate of the colored people taught to know that they are the black man's worst enemies. We hope our military authorities, in whose hands now lie all power in civil matters, will not listen to these malcontents, whose only hope for notoriety and gain is in public disturbances and commotion. If these bad men find favor with the "powers that be," it will but encourage them in their wickedness and add to the number of their imitators.

Instead of being promoted to places of position and trust, they should be punished as disturbers of the peace. The most vigilant police force, military or civil, will be unable to check the increasing tendency to crime amongst us, if men in position encourage the evil-disposed to conduct leading to violations of good order and in conflict with the rights of others. We are satisfied that many of the crimes committed in our country, during the past few months, can be traced to the teachings of bad men upon ignorant blacks. To prevent this—to restore society to its wonted security and repose—those who affiliate politically with such persons, but disapprove their conduct, must by a high-toned public sentiment place these men under the ban. The military should be informed of their disorderly character, and instead of responsibilities and honors being thrust upon them, they should come under the watchful eye of those whose duty it is to preserve the peace. Without such protection; with these men in the honored and profitable exercise of mischievous and dangerous authority, the future is indeed gloomy for the South.

### Removal of the Sheriff of Craven.

We learn from the New Berne papers that F. M. HARPER, Sheriff of Craven County, has been removed from office by order of General SICKLES, for disobedience of orders. The disobedience consisted of declining to go to Jones County to execute a precept.

The *Journal of Commerce* says of the officer removed:

"No man in the county is more popular than Sheriff Harper, and in retiring from office he will carry with him the good wishes of the community. The position of sheriff is not a pleasant one at any time—at present it must be exceedingly disagreeable, especially for a civilian.

In more quiet days, Mr. Harper will learn how his services are appreciated by the people of Craven County."

Captain J. E. FLEMING, late of TIDDY, FLEMING & Co., has received the appointment of sheriff. Of this gentleman, the same paper remarks:

"Our acquaintance with Capt. Fleming is slight, but we have no hesitation in expressing the opinion that outside the native population no appointment could have been made more accepable to the community."

### Crops in South Carolina.

A gentleman who has very recently traveled through Sumter, Marion, Darlington and Chesterfield districts, South Carolina, reports, that on an average in these counties the corn crop is barely indifferent, and the cotton crop even worse—in fact, bad. The people are somewhat despondent in view of this distressing condition, yet the yield will be greater than they even hoped, after the heavy rains.—The cotton crop since that time, under the warmth of the sun, improved very much.

[COMMUNICATED.]

### JUDICIAL LITERATURE.

A very interesting publication is the AMERICAN LAW REVIEW, Little, Brown & Co., publishers, Boston.

If you have been favored by the Publishers with a copy, you have been very remiss in not noticing it, and have done injustice to a really valuable and interesting work. We have just read the July number. Among the contents are:

THE LIMITATIONS OF THE LIABILITY OF SHIP-OWNERS BY STATUTE.

THE RIGHTS OF ACTION OF A BANKRUPT.

MODERN REFORM IN PLEADING.

GOVERNMENT CLAIMS.

SEALS.

Each one of these articles evinces great labor, ability and research.

That on SEALS, (the *Sigillum* of my Lord Coke, not the *Phoca* or *Sealgh* of Monk Barns,) is full of quaint, curious and scholarly learning, and some of the impressions are highly worthy of place in D'Israeli's Curiosities of Literature.

But we have a specimen of Curiosities of Judicial Literature in the number before us, entitled "Kansas."

"It has sometimes been supposed that the bench offers but little opportunities for eloquent fancy or polite erudition. How erroneous this opinion is, our readers will see from the following exordium of an opinion, delivered by Mr. Chief Justice Crozier, in the case of Searle *vs.* Adams, 3 Banks, 515, 518:

"In this case the irrepressible Statute of Limitations is again presented for consideration. For some years past, upon the disposition of each succeeding case, involving a construction of this Statute, it was considered, by bench and bar, that fiction itself could scarcely conceive of a new question to arise thereunder; but as term after term rolls around, there are presented new questions, comparing favorably in point of numbers with Falstaff's men in buckram; thus adding to the legions that have gone before a new demonstration of the propriety and verity of the adage that "truth is stranger than fiction." With the heat of ninety-eight degrees of Fahrenheit in the shade, and the newspapers teeming with reports of the ravages of our great common enemy, who, the more effectually to accomplish his double purpose of capturing the imprudent and frightening the timid, has assumed the power of the Asiatic Monster, it might be supposed by the unthinking, that the consideration of such questions would be entered upon rather reluctantly. But we beg to disabuse the public mind of any such heresy. Cases might be imagined where "smashes" would not stimulate, nor "cobblers" quicken, nor "juleps" invigorate; but a new question under our Statute of Limitations, in coolness and restoring power, so far exceeds any and all of these that, when one is presented, the "fine ould Irish gintleman's" resurrection under the circumstances detailed in the song, becomes as palpable a reality as the "Topeka Constitution" or the territorial capital at "Mineola." The powers of a galvanic battery upon the vital energies are wholly incomparable to it. So that the consideration of this case upon this day of wilted collars and oily butter, should not entitle the Court to many eulogies for extraordinary energy in the fulfilment of its duties. Counsel was understood to intimate that some mischievously disposed persons, with a diabolical intent, not clearly revealed, while organized as the Legislature of the State, had made a violent and unwarrantable onslaught upon the Constitution—that Constitution which this Court, as a tripedal pier, is exerting its utmost endeavors to support—that Constitution which, not only from patriotic and moral, but from alimentary considerations as well, we are bound to maintain and defend. Being in a somewhat "melting mood" to-day, we would be pleased to gratify Counsel by adopting his "fears."

The learned Justice then goes on to decide the case, and concludes that "it is as transparent as the soup of which Oliver Twist implored an additional supply" that the case does not come within the Statute.

In another case, Craft vs. State, 3 Banks, 450, 480, the same learned Chief Justice, in defending the somewhat obvious proposition, that a jury is not bound, as matter of law, to disbelieve the evidence of a prostitute; or, to use his own words, "that it ought not to be said that a woman 'pours out from her heart at Venus' shrine with her virtue, every other good quality with which, in our thoughts we endow her sex;' and this, whether she habitually flaunts her frailty in the face of the world, or attempts to hide it in retiracy, or garnish it with garlands of good works."

When we had read this Kansas effusion, we were mortified. Since the close of the "last war," we have been, one by one, stripped of our rights, political and social, until we are naked as truth. But we beg it to be understood, that when we reflect "on the reason of the thing," we are no more ashamed of ourselves than were Adam and Eve before the serpent called to see them. One pleasing satisfaction we had hugged to our naked selves, that one glory was still left to the Old North State, which made her shine among her Southern sisters "*ut luna inter minores ignes.*" We had supposed that *our* Chief Justice, in eloquent fancy and polite erudition, in his judicial opinions, stood like "Saul, the son of Kish, a choice young man and goodly, from his shoulders and upward higher" than any other Chief Justice; that he was the Magnus Apollo, the Ajax Telemon, the Anax Androw among them: in fine, was the Henan and wore the "Champion's Belt."—But we confess that for a while, Mr. Chief Justice Crozier, in Searle vs. Adams, and Craft vs. The State, made us think of ordering a fig-leaf apron; and while we were considering of what pattern it should be, we bethought ourselves of reverting to one or two rounds of our Chief Justice in the judicial prize-ring, as they stand recorded in the Reports. And Allah be praised! He is ours yet. Mr. Chief Justice Crozier pressed him hard and threw him upon the ropes, but our Chief Justice has come to time, and Mr. Chief Justice Crozier "ain't no where."

Just note a few of the rounds of our Chief Justice, and we call upon the Bar of the State "Frae Maiden Kirk to Johnny Groats," to proclaim him champion. *First.* Bottoms vs. Kent, 3 Jones 154, "on the trial of an issue *devisavit vel non*, in reply to proof that the propounder had used threats of violence in procuring the execution of the script, held that it was not competent for him to show that he was of an easy, quiet temper and facile disposition, and therefore not likely to threaten violence."

PEARSON J. "The only opposing case is State vs. Tacket, 1 Hawks Rep. 210. It is over-ruled by Tilly's case, or so emasculated as not to be able to generate a principle."

Now, this is a figure of speech "as is a figure." With the naked eye you can see the figures in it, but take a perspective and you will behold the members standing boldly in *alto-relievo*. It is not only *per se* a model of a figure of speech, but as a picture, by word painting, it is equal to a wood-cut. But it is even something more, it is suggestive of the days of Bob. Potter, and 24, ch. 34 R. C.

Now we know that in the ring this has been regarded as a stunner of a blow, but we have always thought that it should have been counted foul, as it is evidently below the belt.

*Second.* State vs. Willis, 7, Jones 190, "An entry at night, through a chimney, into a log cabin, in which the prosecutrix dwelt, and stealing goods therefrom, will constitute burglary, although the chimney, made of logs and sticks, may be in a state of decay, and not more than five and a half feet high." Manly and Battle, Judges, concurring.

PEARSON C. J. *dissentiente*, in order to beat it into the heads of Manly and Battle that they were wrong, mauled them thus: "In the case now before us, the top part of the chimney, a funnel, had rotted off, and but for the few loose boards that were laid over it, to keep out the rain, (upon which no stress is laid) a smart dog could easily have jumped in and stolen the lady's meat, and if one or two more *rounds* had been off, an enterprising old sow could have performed the same feat."

When we shall be mortgaged and registered and shall be reconstructed, and shall get back into the glorious Union, and shall not be everlastingly "going home," and shall have a literature of our own that cannot be confiscated, we must have the judicial opinions of our Chief Justice illustrated and illuminated.

What a picture this judicial opinion alone would make. Group the prominent figures. A chimney five and a half feet high—a funnel that had rotted off—(that would have to be in the back-ground)—a few loose boards that were laid over it to keep out the rain—a smart dog—the lady's meat—an enterprizing old sow performing a feat. It is better than Bailey's varieties. The picture alone would be worth more than the publisher's price now.

*Third.* In the matter of Hughes 1, Phil. 72, *Habeas Corpus* to try the legality of the arrest of a citizen of North Carolina, upon the requisition of the Governor of New York. After deciding that the prisoner must be remanded, and thus disposing finally of the case, by way of keeping his hand in, the Chief Justice, bearing in mind that Chief Justice Ruffin—(who had worn the judicial ermine, "whiter than light" on the Supreme Court Bench of North Carolina for more than thirty years, and when he laid it from his shoulders in 1860, had added a new lustre to it) whose early education among the fancy had been neglected, had declined to enter the Ring with him, takes up the question "was the Convention of 1865 a rightful Convention, for the purpose of re-organizing the State Government," or was it an unlawful Assembly? Chief Justice Pearson says: "that point was not made on the argument, but as the objection has been gravely urged *elsewhere*, a decent regard to public opinion makes it proper to state the ground on which it is believed that the officers of the State are rightfully filled."

An article against the rightfulness of the Convention of 1865, had appeared in the public press of the State, and the irresistible conclusions of the arguments, and the clearly marked ability of the whole, had pointed all, even C. J. Pearson, to ex-Chief Justice Ruffin as the author. And it is Chief Justice Ruffin whom he calls "elsewhere" in the case. To this point, the case is properly *in re* Hughes, the next ten pages is *in re* Chief Justice Ruffin. We cannot follow the one Chief Justice, whose loins are girt with the "Champion's Belt," in the number of licks he makes at the other Chief Justice, whose brows are encircled with a garland of laurel, quietly reposing *in dignitate* on the banks of Haw River.—But he pelts at him mercilessly.

We have had no other object in the world, in noting this case at all, but to point an anecdote of Chief Justice Ruffin, which has never before appeared in print.

In this case, part *in re* Chief Justice Ruffin, p. 72, when Chief Justice Pearson is hitting out straight from the shoulder, he says: "Civil war is more aggravated than a war with foreign nations, and the conclusion in favor of the power of the United States, and the manner of its exercise, receives additional support, by taking into view *the fact that our State is not an independent nation, but a member of the Union.*"

We recollect that once upon a time when there were giants in those days, and among them THOMAS RUFFIN was the Chief Justice of the Supreme Court of North Carolina, a member of the Bar, from the West, commenced his reply thus: "May it please your Honors, the principle laid down by the counsel who has just addressed the Court, is either law or it is not law."

Chief Justice RUFFIN, who had in his hand a red bandanna handkerchief, about four feet square, threw himself gradually back in his chair, pulled it slowly across his forehead, looked most inquiringly at DANIEL and NASH, his associates, and with great gravity, remarked to the Counsel "the Court is unanimously with you thus far—proceed, Sir."

When Chief Justice RUFFIN, in his retirement at Haw River, read "the fact that our State is not an independent nation," we have no doubt that he was unanimously of the same opinion. The other part of the proposition, "but is a member of the Union," is not so clear to our mind, unless he means Union League.

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DIRECT TRADE.—There are now in our port no less than six vessels—five brigs and one barque—with an aggregate tonnage of 1,317 tons, all loading for Liverpool and London with naval stores—principally spirits of turpentine. This manifestation of an interest on the part of our merchants in direct shipments, is a pleasing one. It has long been a matter of much surprise to us why the direct trade was not more largely encouraged and a greater number of shipments made to the old World. If parties in New York can purchase naval stores there at an advance on the price here, and realize a neat profit by shipping to foreign ports, why cannot our merchants pursue the same course with equally advantageous results. It is true the parties in New York have the tax paid by the producer refunded on their draw-back papers, but the same result would attend foreign shipments from this port as soon as information reached the Collector of Internal Revenue of the arrival of the produce over the waters. This tax of ten cents per gallon collected from the producer is an item worthy of consideration, and the course pursued in refunding it when the produce is shipped to foreign ports is one which our merchants should avail themselves of. The sum thus refunded, on even one hundred casks of spirits, would be no inconsiderable one, and we are please to see that our mercantile men are alive to its importance, and are beginning, at last to try the experiment of foreign shipments. We trust that this direct trade will increase in growth, feeling assured, as we do, that it is not without advantages to our people and city.

*Daily Journal, August 2.*

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SPIRITS OF WOOD.—We were shown by Mr. Alex. Sprunt, Thursday, a sample of spirits of wood manufactured at Shoe Heel, Robeson county, by Messrs. R. & J. C. McCaskill, by the new distillation process. The spirits is beautifully clear and transparent, and is applied to many uses. It is accounted excellent in cleaning machinery and metals of all kinds, and in the mixture of paints is said to be equal to oil and spirits thrpentine.

The process by which this spirits is distilled, is by steaming the wood in a retort without the application of water. In addition to the spirits a species of oil is also obtained, and a substance resembling pitch, though more brittle and jet-like. The oil is said to serve the purpose of a lubricator, and is excellent in its application to heavy machinery. An acid is also obtained in this distillation process, the uses of which we have not learned.

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COMMERCE OF WILMINGTON.—Attention is directed to a statement of the principal articles of produce exported from this port for the month ending July 31st., and compared with the months of June, 1867, and July, 1866, which will be found on the first page. While not so much difference is noticeable between the quantity of articles exported during the past month, and those during the month previous, there is an evident increase over that shown in the report of the month of July, 1866. This is at least some encouragement, and should stimulate us to exertion.

## CROPS IN NORTH CAROLINA.

For the Journal.

### Crops in Hyde, Beaufort, Pitt and Wilson Counties.

GOLDSBORO', July 31, 1867.

*Messrs. Editors:*—I see from your paper to-day, that you desire reliable accounts of the crops in the various counties in the State, and as I am acquainted with their condition in some few counties, I propose to give you a brief account. The crops in Hyde county are very materially injured. I may safely say, that in this county the crops are cut off at least one-half if not two-thirds. Col. Carter, who owns one of the best farms of its size in the county, and who confidently expected to make fifteen hundred barrels of corn, wrote to a friend in Washington, a short time since, that he did not think he should make fifty barrels. I think though the recent good weather will enable him to do much better than that. The crops in Beaufort county are not so good as they generally are in Wilson and Pitt counties. The corn crop in Beaufort county is fair, considering the rains. It, however, is better I think, than the corn crop in either Wilson or Pitt, but the cotton crop in these two counties is better, generally, than it is in Beaufort. I have just passed through, yesterday and to-day, a large portion of Pitt and Wilson counties. I saw very pretty cotton both in Pitt and Wilson, and I think some as good cotton as I have seen at this season, of any past crop, for the past four or five years. It may not be as well bolled, but it is as large and of as fine appearance.

At Gen. Grimes' plantation I saw very fine cotton. The corn though at this farm was only fair. Taking his crop of cotton altogether, (for it is a very large one) I think it is the best I have seen in either Beaufort, Pitt or Wilson. I saw some larger cotton in both Pitt and Wilson, but the fields were generally small, averaging from ten to forty acres. At Gen. Grimes' I saw several stalks having on them from six to ten bolls nearly as large as an hen egg. I saw very pretty cotton at Mr. Henry Sheppard's, and Mr. Richard Bynum's, in Pitt, and also at Mr. Robert Bynum's, of Wilson, and the farms adjoining. On Mr. Brown's farm, near Greenville, I saw a very large and good crop of corn.

The best cotton I saw was near Wilson. The crops in all this section of country, from Beaufort to the town of Wilson, have suffered to some extent for want of rain, but a very fine rain all through this section on Monday evening will relieve this damage to a very great extent. I consider that the crop of cotton in the counties of Beaufort, Pitt and Wilson, if we have a late Fall, will be very near a fair one. The corn crop I do not think will average so well. The crops on the Railroad from Wilson to Goldsboro', I consider inferior. I have, in accordance with the request expressed in your paper written the above, though I have done so hurriedly, and if it can be of any service, you are welcome to publish it.

GOLDSBORO'.

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For the Journal.

### Crops in Orange County—Colonel Martin.

CHAPEL HILL, July 25, 1867.

*Messrs, Editors:*—In compliance with your request to furnish you with information relative to the crops, I will say that never before in my recollection has the prospect been so gloomy. The fertile bottoms of New Hope and Morgan's Necks have been so overflowed that it has been impossible to prepare the land for a crop. No small portion of the land has been abandoned for this year, and much that is planted put in after the 4th July. The upland is more grassy than I ever saw it before; I do not think that with the most propitious seasons and very late fall we can make more than half crops of corn or cotton. The wheat in this immediate section is very inferior, and some of the very best crops were entirely washed away. The upland oats are very fair. I passed over the road lately from Morganton to Weldon; some few fields of wheat looked quite handsome, others were very badly winter-killed, but I did not see, with the exception of a few fields in the Catawba Valley, a single plantation of good, forward corn. So much for crops.

I suppose you have heard that Col. MARTIN has resigned his chair in the University, and is to leave the State. With the exception of his rebel sins, there is nothing to be said against him. He is a thorough scholar, a good instructor, a sincere friend and a christian gentleman. I hope he may meet with the success in his new home that his varied acquirements and many virtues merit.

A.

### Crops in Johnston County.

JOHNSTON COUNTY, July 29, 1867.

*To the Editors of the Wilmington Journal:*

Not having seen any report in the newspapers concerning the present crops in Johnston county, and feeling assured that you would appreciate a correct and reliable account of the crops in this out-of-the-way place, I will briefly state that, at one time the prospect for an abundant crop was never more promising, but the late rains, from all the information I can gather from different portions of the county, (and feeling deeply interested) nearly three-fourths of the corn crop has been destroyed; in fact, I believe I would be sustained in making the assertion that not one-fourth of a corn crop will be made on Neuse river bottom land. I have not been able to find but few farmers who expect to make enough corn for bread. The prospects for next year look really gloomy. I predict there will be a great deal of suffering here in the next eighteen months.

The cotton having been planted on the best upland, did not suffer so much as the corn. It is generally conceded that the cotton crop is damaged fully one-fourth.—We have had two weeks fair weather. This gave us a fair opportunity to clear the grass from the cotton. The cotton looks as well as could be expected under the circumstances.

In conclusion, I will add, that from reports from all portions of the State, I believe there is less crime committed in Johnston county than most any other county in the State. It is gratifying to be able to make this statement. The freedmen generally behave very well.

Yours, COM.

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From the Raleigh Sentinel, July 31.

## THE MILITARY COMMISSION.

### United States vs. Tolar, McRae and Others.

SUMMARY OF EVIDENCE.

This trial commenced the 22d inst. The prisoners, five in number, were arraigned on a charge of murder: *Specification*, that Captain Tolar committed the act, and that all the others were present, aiding and abetting.

Messrs. Phillips and Battle, of this city, were allowed the prisoners as counsel, to which the Hon. Thomas Fuller, of Fayetteville, has since been added.

On Wednesdey or Thursday, a *nolle pros* was entered as to Phillips, one of the prisoners. Those then remaining were Major Duncan G. McRae, Captain William J. Tolar, Thomas Powers, David Watkins, called "Monk Julia," with several other *aliases*.

The facts of the case are about as follows: On the 11th of last February, in Fayetteville, a negro named Archibald Bebee was carried before a Magistrate's court, to be investigated in regard to a rape which he had attempted on a Miss Massie, a highly respectable young lady of that place.—Quite a crowd had collected at the Town Hall, the place of his examination, variously estimated at from fifty to two hundred persons by the different witnesses. After the investigation before Major Duncan G. McRae and his associate Justices, the Sheriff was ordered to take him back to prison. On descending the steps and reaching the ground-floor of the market house, (above which was the Town Hall,) an attempt was made to take him from the Sheriff, and persons were heard to demand him. According to some of the witnesses an assault was made on Bebee with knives by Thomas Powers and "Monk." These were driven off, but, soon after leaving the eastern end of the building, and near its corner, a shot was fired by some one close behind, which penetrated his head at the back part, and close to his left ear, which killed him almost instantly.

A Coroner's Jury was called to investigate the affair, which sat for several days, and rendered a verdict that the deceased came to his death by a pistol shot fired by some person unknown.

The first three witnesses examined on the prosecution were *Matthew Leary, Jun., John Armstrong, and Lewis Smith*, all negroes. They all swore positively that an assault was made on Bebee by Watkins and Powers, first, with knives, and that they saw Captain Tolar fire the shot which killed him; that one of them was within two feet of him when he fired, and that another (John Armstrong) said to him, "there Mr. Tolar, you have killed that poor man!"

One testified that he saw a pistol like that Capt. Tolar used passed through the crowd immediately afterwards. They all stated that Tolar shot from behind, and that at the instant the pistol fired, Bebee was facing South, and Wemiss, one of the deputy sheriffs, was immediately on Bebee's right, and sheriff Hardie was in front of Wemiss, and in front and to the right of Bebee.

*Dr. McDuffie* was next examined, and testified chiefly as to the character of the wound and condition of Bebee after being shot.

*Mr. Robert Hardie*, Sheriff of the county, was next examined and testified that, having been told by some one that morning that the people were highly enraged, he ordered the town police to be at the guard house at three o'clock that afternoon to guard the prisoner down to the town hall; that he, assisted by them and Mr. Wemiss, carried the prisoner down, saw a considerable crowd gathered, but heard no threats made, nor felt alarm for safety of the prisoner; passed through the crowd and carried him up the steps into the town hall without meeting with any disturbance; found McRae and others up there; went out twice for a short time on business, then remained until the investigation was over. McRae was sitting with the other magistrates at a table near the south-west corner of the room and between the table and the west wall; left him seated there when he started back to the guard house with Bebee. He went down stairs first, followed by Bebee, with a guard on either side and policemen in rear; heard no outcry or loud voice until passing out the eastern arch, when, from behind the brick wall from him, he saw a hand stretched forth as if to grasp Bebee, and a voice at the same time cry out "give up the prisoner, I demand him"; saw no knife in the hand; grasped it and shoved the man back; from his pox-marked face, thinks it was Tom Powers; could not swear positively; almost at the same time another like attempt was made from behind and one of the policemen grabbed the man and went down with him; does not know who that was; simultaneously a hand reached at him in front and threw him aside; pretty certain that was "Monk Julia." After getting out on the walk and near the corner of the house, Bebee made a desperate effort to escape from the officer or crowd, don't know which; he, Bebee, fell down and standing behind him he reached and caught him by the collar of his grey jacket, back of the neck, and assisted him up. Was behind him and a little to the right; had his (Hardie's) left hand in his collar; just about the time he regained his feet a shot was fired close behind, which struck Bebee back of the head and he gradually sank to the ground.—Thought, for the first moment, he, Hardie, was shot; the ball passed through and cut off some of his hair; he glanced behind for a moment; only recollects seeing one face that he remembers; that was Mr. Sam Phillips. Looked immediately to the front, saw a Doctor and called him to Bebee; soon called another; they said he would die in a minute, (as he did;) did not see Tolar when he looked behind. Don't know who fired the pistol. When attempt was made on Bebee, before he was shot, a blow was struck, and he heard something like a knife fall; it sounded like metal; did not see a knife, did not see anybody pick up one.

To questions by Court, replied that he had heard that "Monk" picked it up and kept it, but did not know where it was now.

*Sam Toomer*, (negro,) was next sworn.—Had lived in Fayetteville for the last two years, came from Chatham county, knew Bebee and was present when he was killed; was about ten or twelve feet from Captain Tolar when he shot Bebee, and saw him do it. Saw "Monk" try to cut Bebee three times before he was shot. Also saw Sam Phillips have a pistol in his hands in the crowd. It was a small, four-barrelled pistol, but saw him make no attempt to use it. Saw no one have arms in the crowd except Capt. Tolar, "Monk" and Phillips. Saw John Armstrong (one of the witnesses) standing within two feet of Tolar when he fired the pistol. Said Sheriff Hardie was in the front and to the right of Bebee when he was shot.

*James L. Nixon, sworn.*—Keeps a grocery in Fayetteville; went to the market house to hear Archy Bebee's trial; was in and about the market house for two hours, there was a large crowd there, probably a hundred or more; saw "Monk" and Tom Powers there.

(A drawing of the market house and vicinity, was here exhibited to the Court, showing the position of parties, &c.)

When prisoner came down, accompanied by sheriff and others, a rush was made by the persons near the steps, as if to see him; heard a voice saying, "I demand the prisoner;" thinks it was Tom Powers' voice; after the prisoner got out on the side walk heard a scuffle; saw policemen using their clubs. Heard a pistol fire and saw Bebee fall; did not see who fired it. Saw sheriff Hardie, immediately after, brushing through his hair with his left hand. Asked him if he was shot; said no! but thought he was. Saw Monk pretty soon after, with a knife. Did not see Tolar there until after Bebee was killed.

Here Colonel Haywood, the counsel for the prosecution, stated that he had said differently in a private examination before, and, being allowed by the Court to ask the witness a leading question, admitted that he had, that he saw Tolar there, but had forgotten it.

[The foregoing is the substance of the testimony taken last week. We commence now with the regular report of proceedings from Monday last.]

MONDAY, July 29.—*Mrs. Eliza Elliott, sworn*, (it may be here remarked that hers was the only evidence expected to be introduced against Mr. McRae):—Saw Mr. McRae come out on the balcony, just above the negro, Bebee's head, and point him out to the crowd, saying, "there is the damned rascal, shoot him."

On account of this woman's notorious bad character, style of evidence and undoubted willingness to perjure herself, her evidence was withdrawn by the prosecution.

*Mr. Jas. W. Strange*, next sworn. Was a Magistrate who assisted McRae in the examination of Bebee. When Bebee was carried down stairs by the Sheriff, McRae was sitting at the West side of the table, in the Southwest corner of the room, near the stove, and I, with others, was sitting near him. He did not get up from his seat until after Bebee was shot.

No cross examination.

*Mr. Joseph Arey*, next sworn. Was a Magistrate, assisted McRae in investigation of the charge against Bebee. McRae sat at the table and did not leave his seat after the trial, until after Bebee was shot.

No cross examination.

*Capt. H. W. Horne*, sworn. Was Bebee's counsel at the investigation. McRae, with others, sat at his table after the trial was over. McRae was writing; thinks he was writing when the pistol fired. After the pistol fired, he, Horne, got up and went out on the balcony and saw Bebee's body, and immediately went back and reported it to McRae, and others. McRae had not left his seat up to that time; thinks he and McRae went down stairs together, pretty soon afterwards.

No cross examination.

Here the Judge Advocate rose and requested permission to enter a *nol. pros.* as to Mr. McRae, when the Court was cleared for consideration. After a few moments, the Court granted permission and ordered his immediate release.

After notice being given that the proceedings subsequently and up to that time might be published, the Court adjourned until 11 o'clock, Tuesday morning.

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TUESDAY, JULY 30.—*Calvin Johnson (or Hunter,) negro, sworn:* Knew Archy Bebee, saw him alive last Feb. 11th. Was standing near corner of Market when Bebee was brought out of the guard-house.—Wemiss and Faircloth were with him, did not see a large crowd at that time; he (Bebee) was brought by me; saw "Monk Julia" have a knife in his hand, cutting a stick, he was walking about saying nothing. Saw Mr. John Maltsby there, saw Miss Massie come down stairs before Archy Bebee, (here diagram was shown witness.) She got in a carriage, was assisted by Mr. Bond; saw Archy come down, heard some boys say "they are coming." When they got on the floor, saw "Monk," with a knife, and Tom Powers rush up; can't say Powers had a knife; after they went out on the sidewalk, saw a hand raise a pistol, heard it fire, did not see who fired it, saw the smoke; can't say who was standing about the place it fired. Saw Capt. Tolar immediately after the shot; he passed through the crowd and through the market house, over to Mr. Hinsdale's store. Had on a gray shawl. Saw *Ed.* Powers there, also saw Phillips, he was near the spot the pistol fired.

*Cross Examined:*—Am about 55 years old. Before coming up here to Raleigh have said this affair happened before noon. After I got here I found I was mistaken in the time. Did not say before the Coroner that I never saw any pistol. Did not say that I did not know anything of this affair. The boys on the outside cried out "here he comes." Saw Mr. Bond at the carriage; saw carriage drive down Person street. Know Tolar, certain he had on a gray shawl. Pistol was raised in the crowd near where I saw Phillips standing. He did not have on a gray shawl. Did not see John Maltsby at time Bebee came down. Was on pavement at time Bebee was shot; have no idea who fired the pistol. Saw Toler a second after. Saw him have no pistol. Did not see John Armstrong; heard his mouth under the market.

*Re-Direct*:—Gave the same testimony before the Coroner's Jury. Was only asked "if I knew who fired the pistol," replied "I did not." The pistol fired rather to my right and Phillips was rather to my left; about fifty persons there; immediately after the pistol fired, saw Captain Tolar about five feet from the spot.

*Robert Simmons*, (negro), sworn. Live in Fayetteville, am 22 years of age; was at the market house the day Archy Bebee was killed. Saw Tolar, John Maltsby, Tom Powers and "Monk;" about a hundred or more persons there; heard Maultsby say "if Arcy was not guilty, he (Maltsby) was Archy's friend; but if he was guilty, he was in for it." Saw Bebee come down, and Miss Massie a little while before him; saw Powers catch hold of Bebee, and Wemiss push him off. Saw "Monk" go up to Bebee at the same time. Bebee was shot soon after leaving the arch. Don't know who fired the pistol. Did not see Tolar when the pistol fired.

*Cross examined*:—Never saw Maltsby do anything that day; saw the prisoner, Bebee, brought down stairs. Powers caught hold of the prisoner, but was pushed off; did not see him have a knife. "Monk" had a knife in his right hand; was about ten or twenty feet from Bebee when he was shot; saw Sam Phillips there about five minutes after Bebee was shot; had a pistol in his hand about ten inches long; he was rubbing the pistol; did not see anybody else have a pistol; know Captain Tolar.

*Re-direct*:—Maltsby said, "if Archy was not guilty, he (Maltsby) was his friend, but if Archy was guilty, he (Maltsby) was in for it." Phillips seemed to be scratching the rust off his pistol about five minutes after he was shot.

*Henry Hagan*, (negro,) sworn: Lived in Fayetteville; live now in Raleigh; am shoemaker by trade; was at the market house the day of Bebee's trial. Saw "Monk" in the crowd, when Archy was up stairs; also, Mr. Sykes and Mr. Simmons; saw the boy, Bebee, coming down stairs.—Hardie and Wemiss were with him, saw the crowd rush towards Bebee; Sykes and "Monk" were in it; heard Tom Powers say "I demand the prisoner," or something to that effect; did not see any weapons then. After Bebee got out on the side-walk, heard somebody say "shoot him," "shoot him;" saw Capt. Tolar fire the pistol and Bebee fall. John Armstrong was the nearest man to Tolar when he fired.—Heard some one in the crowd ask if Bebee was shot, and, being answered "yes," pulled off his hat and said "hurrah! hurrah!"

*Cross-examined.*—Have had some conversation with Phillips about this matter since I have been here. Phillips and Nixon came round to my shop and asked me about the matter. I told them I saw Capt. Tolar fire the pistol, and that was about all. Phillips came after me and told me to go before Gen. Avery. Was about three or four feet from the side-walk when the pistol fired; was about seven feet from Bebee at the same time; did not see Bebee fall down before he was shot. Did not see Tolar before I saw him in the act of shooting. I saw him fire the pistol and either put it under his left arm or in his left pocket, saw him throw back his shawl and it struck Armstrong in the face or on his shoulder. I was about four feet from Tolar. Armstrong was nearer.

*Re-direct.*—Had a conversation with Phillips last Saturday. Mr. Nixon was present.

Court adjourned until this (Thursday) morning, 11 A. M.

### Padding.

Miss Olive Logan, in her article in the *Galaxy* on the "Leg Business," or the "Naked Drama," gives a note from one who makes "pads" for the dancing "artists" who have physical imperfections. These "pads," she says are made in Philadelphia. We quote:

"Such little inaccuracies as knock-knees and bow-legs, trifling errata in Nature's original edition, remarkable for their frequency in the human family, especially those misguided members of it who have rashly chosen the stage as a vocation, are nimbly rectified by the pad professor. I saw a letter from one of these the other day, which may be worth producing here for the sake of its ludicrousness. That it is a genuine document I pledge my word. It ran thus:

"'PHILADELPHIA—Mam: Them ties is finished; your knees will be O K when you get them on. Bad figgers is all plaid out now; they will cost 9 dollars.'"

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REGISTERS QUALIFIED.—Within the past few days the following persons, recently appointed on the Boards of Registration for this State, qualified before Justice Conoley by taking the oath prescribed by General Sickles:

*Brunswick County.*—B. D. Morrell (white) and Solomon Smith and A. Golden Smith (colored.)

*New Hanover County.*—Henry W. Penny, Isaac M. Peck, S. S. Ashley and E. D. Hewlett (white) and Geo. W. Price (colored.)

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A veritable story is told of a bright little girl who, attending Sunday school for the first time, was asked: "Who went into the lion's den?" The little one appearing puzzled and not answering, the teacher commenced spelling to awake the child's recollection—"D-a-n." "I can tell now," excla